

# MIAMI BEACH

## City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
December 11, 2013

Mayor Philip Levine  
Vice-Mayor Deede Weithorn  
Commissioner Michael Grieco  
Commissioner Joy Malakoff - Absent  
Commissioner Micky Steinberg  
Commissioner Edward L. Tobin  
Commissioner Jonah Wolfson

City Manager Jimmy L. Morales  
City Attorney Jose Smith  
City Clerk Rafael E. Granado

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### ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

*Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.*

Meeting called to order at 9:02:29 a.m.

Inspirational Message given by Father Juan J. Sosa, from St. Joseph's Church.

Pledge of Allegiance led by Chief of Police Raymond Martinez.

Requests for Additions, Withdrawals and Deferrals announced by Rafael E. Granado, City Clerk.

The City Commission will recess for lunch at approximately 1:00 p.m.

### ADDENDUM MATERIAL 1:

C4L  
R9O

### ADDENDUM MATERIAL 2:

C7BB

**ADDENDUM MATERIAL 3**  
C7CC**SUPPLEMENTAL MATERIAL 1:**

C7W Agreement

C7X Memorandum and Resolution

C7Z Revised Memorandum and Resolution

C7AA Memorandum and Resolution

R9L City Manager's Status Memorandum

**SUPPLEMENTAL MATERIAL 2:**

R9I Memorandum

**SUPPLEMENTAL MATERIAL 3:**

C7Z Updated Resolution

**ADDENDUM ITEMS:** Motion by Vice-Mayor Weithorn; seconded by Commissioner Wolfson to add to the Commission Agenda Items C4L, C7BB, C7CC, and R9O; Voice-vote: 6-0; Absent: Commissioner Malakoff.

**Presentations and Awards**

- PA1 The South Florida Digital Alliance Recognizes The City Of Miami Beach As The 2013 Universal Access DAE Awards Winner In The Government Category For Their Support Of Community IT Projects.

(City Manager's Office)

**ACTION:** Award presented.

Jim Osteen, Executive Director, South Florida Digital Alliance, recognized the City of Miami Beach as the 2013 South Florida Digital Advancement in Excellence Award Winner in the government category for its contribution to the advancement of technology to the community.

**4:01:42 p.m.**

- PA2 Introductory Address By Representative David Richardson.

(City Manager's Office)

**ACTION:** Discussion held.

Mayor Levine introduced State Representative David Richardson. He stated that Representative Richardson is very active and diligent, and played a crucial role in making sure that Alton Road to 17<sup>th</sup> Street was opened during Art Basel 2013.

State Representative Richardson congratulated Mayor Levine for his success and Commissioners Steinberg, Grieco and Malakoff in their election. He looks forward to working with them and the City Manager on the State legislative priorities. He explained that he was asked to get involved with the Alton Road issue this summer. It became clear that the City Commission had not been informed about its status, and he wants to ensure that this does not happen again.

In that regard, there was a meeting in July, and a couple of key decisions were made: a) they got the design of Alton Road reopened by FDOT; also in July the Commission passed a raised median (Option No. 3). This carries a State requirement for a public hearing, which took place in the late summer. Some businesses are concerned with that, and want to continue having conversations. He knows that FDOT welcomes conversations and the City will have input. In talking about Alton Road, there is another project that the Commission should be informed about, and he will keep them updated. Also in Collins Park, there are parking concerns in that area.

In regards to the flooding issues, the Alton Road project, in addition to being a road construction project, it is also a water management project, and in the redesigns FDOT will take care of that situation; however, there are other roads that are the City's responsibility, and they should dialogue to see where the State could assist, particularly in Purdy Avenue as it floods after it rains. He wants to ensure that there is conversation and possible proposals. Another area he thinks they need to focus on is the beach [re-nourishment] area; this is a local, State and a Federal issue. Former Mayor Bower had meetings with the Corps of Engineers in April, and he does not know if there has been a follow-up, but they must follow up and stay focused on that issue. Other key Legislative issues may include gaming. He sits on the Appropriations Subcommittee and will be looking to evaluate all proposals on their merits. He thinks anything done in the State of Florida needs to consider traffic. He is interested in meeting with each elected official to discuss further.

Commissioner Wolfson explained that the Miami Beach City Commission in the past adopted resolutions against gaming in Miami Beach, and he suggested having a discussion in the future so Representative Richardson understands this Commission's will going forward. He stated that he is against gaming and believes the community is against it.

Discussion held.

State Representative David Richardson stated that he is on record saying that he will not be in favor of gaming in any part of Miami Beach. The reality is that they do not know what the Legislature may be doing. He thinks that the State of Florida needs a Gaming Commission, and also the reality is that the Indian Compact expires in 2015, so there may be a will to push these decisions out one year. Representative Richardson welcomes all input and stated that it is important to remember that he represents all of Miami Beach, Downtown Miami, Little Havana and North Bay Village, so in coming to his conclusion and recommendations, he has to consider what is best for everyone in the districts.

Vice-Mayor Weithorn asked if some of the issues in the Legislative Agenda that affect the quality of life for residents would be addressed, such as fixing the problem with the State preemption and what the Cities can do with short-term rental in residential neighborhood. She suggested that he take the time to sit with staff to make sure he is apprised of these issues, particularly those affecting the quality of life, no matter what City they are in, and she is asking for this publicly.

State Representative David Richardson added that in regards to the Convention Center, he has been quite about this over the last year; he sat in many meetings to be informed, but was not supporting or endorsing any one project; however, he is very supportive of Miami Beach having a Convention Center that is world-class and that will be state-of-the-art. He is not wed to a contractor, but thinks that if they have been talking about this for 11 years, if they do not get something done, the conversation is going to shift to Downtown Miami. He thinks that a Convention Center will be built, and he would like to see it in Miami Beach.

Mayor Levine assured Representative Richardson that they would move forward in a responsive matter to renovate the Convention Center.

Commissioner Tobin thanked Representative Richardson for his efforts with the work on Alton Road. They also made a commitment that they want to make Nautilus Junior High School the best high school in the country, and some people say that Cities having local control, separate from the County School Board is a way to help control what is happening in the City. He has heard from educators that local control is something that if one is able to have, it helps to make the school better.

Jimmy L. Morales, City Manager, explained that there is an item on this agenda regarding office space for Representative Richardson, and they will expedite that. He added that transportation is a critical issue that links the west side with the east side of Representative Richardson's district. From a funding perspective, the State has to play a critical role in transportation, and that is an important part of the City's Legislative Agenda; for Miami Beach to go east and Miami visitors to go west. City Manager Morales added that he has been involved with FDOT projects for many years, and he has never seen a State Representative get so involved, roll up his sleeves and get the kind of responses that happened this summer when Representative Richardson got involved.

State Representative Richardson welcomed the transportation conversation and added that this body needs to talk about it and decide if they support it or not. Great cities around the world have great public transportation system.

**TO DO:** Representative Richardson asked that the Legislative Agenda be sent to him as a draft so he can begin working on it. **Joe Jimenez to handle.**

**9:07:25 a.m.**

**New Item**

Mayor Levine asked for a moment of silence in honor and recognition of three individuals that recently passed away: Leon Manne, a great contributor to the Convention Center and the City, Richard Sharpstein who passed away yesterday, and former South African President Nelson Mandela who was a great man and taught us how to forgive.

**CONSENT AGENDA**

**ACTION:** Motion made by Vice-Mayor Weithorn to approve the Consent Agenda excluding separated items; seconded by Commissioner Wolfson; Voice-vote: 6-0; Absent: Commissioner Malakoff.

**SEPARATED ITEMS**

Mayor Levine and Commissioner Grieco separated C7Z.

Commissioner Tobin separated Items C2A, C2D, C2E, C4F, C7AA and C7E.

Vice-Mayor Weithorn separated items C7Z, C7CC and C4F.

Handouts or Reference Materials:

1. List of Separated Items

**C2 - Competitive Bid Reports****9:47:13 a.m.**

C2A Request For Approval To Authorize The Issuance Of A Request For Qualifications (RFQ) For A Construction Manager At Risk Firm (CMR) To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (GMP) Amendment For The Collins Park Place Project.

(Capital Improvement Projects)  
(Item not reached on October 16, 2013)

**ACTION:** Request authorized. Item separated by Commissioner Tobin. Motion made by Vice-Mayor Weithorn; seconded by Mayor Levine. Voice-vote: 5-1; Opposed: Commissioner Tobin; Absent: Commissioner Malakoff. **David Martinez to handle.**

Commissioner Tobin stated that the total cost was under \$21 million for the project, and he pulled the item as he is concerned with the expenditures.

Mayor Levine explained that he reviewed the item, and is agreement with it. He has no problem with it.

Vice-Mayor Weithorn stated that the City would get the money back invested in the long term.

David Martinez, CIP Acting Director, explained that the cost of the construction of the actual garage itself is approximately \$18 million; and the difference of \$2 million is for development of the ground plaza and additional amenities on the ground floor.

Discussion continued.

Mayor Levine added that construction costs are going up, and the demand and economy are going up as well.

C2B Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 405-2013LR For The Purchase Of Biodegradable Dog Litter Pickup Bags And Dispensers.

(Parks & Recreation/Procurement)  
(Item not reached on October 16, 2013)

**ACTION:** Request authorized. **John Rebar to handle.**

C2C Request Approval To Exercise Term Renewal Options On Contracts For Routine Operational Requirements.

(Procurement)

**ACTION:** Request authorized. **Alex Denis to handle.**

**9:51:103 a.m.**

C2D Request For Approval To Award Contracts Pursuant To Invitation To Bid No. 113-2013, For Routine And Emergency Repairs For Water, Sanitary Sewer And Storm Water Pipe Break; Cured-In Place Lining For Sanitary Sewer Pipes And Storm Water Drainage Pipes; And Rehabilitation Of Sanitary Sewer Manholes And Storm Water Manholes.  
(Public Works/Procurement)

**ACTION:** Request authorized. Item separated by Commissioner Tobin. Motion made by Commissioner Wolfson to accept EnviroWaste, bidder one, and reject bidders two and three; and put out an ITB for the second and third bidders; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Malakoff. **Eric Carpenter and Alex Denis to handle.**

Commissioner Tobin stated that EnviroWaste was selected as the No. 1 bidder, which had great prices, and there are also second and third place bidders. Commissioner Tobin explained that there are large disparities in the prices being offered by the second and third ranked bidders, when compared to the prices offered by the first ranked bidder. As an example, he referred to Page 70, where EnviroWaste bids in Group 3 the rehabilitation of sanitary sewers manholes and storm drainage manholes. EnviroWaste bids \$5,115 to perform the work, while JCC Enterprise bids \$115,250 for the same work. His concern is that if they put everyone in line as Nos. 1, 2 and 3, and No. 1 is busy when they need services, the City will end up paying an extra percentage. Commissioner Tobin inquired of the Administration how they will ensure if No. 1 and No. 2 are busy, when it comes to No. 3, that the City does not pay additional fees for the services. He is concerned about the cost disparity.

Eric Carpenter, Public Works Department Director, explained that the intention was to only use the second and third bidders when the primary bidder is unable to perform, according to the terms and conditions of the contract. His intention is to use the primary bidder to get the best value for the City at all times. Mr. Carpenter suggested that the Commission can drop the third bidder on group 3 due to the cost disparity; Mr. Carpenter added that he does not feel comfortable spending the additional funds for those services.

Discussion held.

Vice-Mayor Weithorn explained that she would like to formalize the process, and if in fact the City utilizes the second or third ranked bidder, she asked that the Commission be informed via LTC or memo, or a report to Commission Committee. She does not want to see this fall through the cracks. **Eric Carpenter to handle.**

Commissioner Tobin prefers that these decisions on cost and prices be made by City staff that understand the issue, and added that it is a bad idea to put the second and third bidder.

Jimmy L. Morales, City Manager, explained that they will be using EnviroWaste one hundred percent of the time; and only intend to keep the second bidder as a back-up. They will provide monthly reports, and the direction he is giving to staff is to use EnviroWaste. Additionally, City Manager Morales stated that in the event that staff decides that it is required to use the second or third bidders, prior to doing so, they must obtain written approval from the City Manager.

Discussion continued.

Commissioner Tobin understands using the lowest bidder, and asked if prices can be negotiated with bidders two and three.

Discussion continued.

Eric Carpenter, Public Works Department Director, explained that when there is a disparity such as this, it is usually because the bidders have made some type of error; and if they are going to use bidder two, once this is out of the Cone of Silence, then the prices can be negotiated.

Jimmy L. Morales, City Manager, explained that once the City Commission votes on this item, it will be out of the Cone of Silence, and they will negotiate contract reductions if possible.

Discussion continued.

After consulting with Staff, City Manager Morales announced that because this is an ITB, the only way to fix any possible errors is to award to bidder one and send it out to ITB for bidders two and three.

Commissioner Wolfson made a motion to accept EnviroWaste, bidder one, and reject bidders two and three and put out an ITB again; seconded by Commissioner Tobin; Voice-vote: 6-0; Absent: Commissioner Malakoff.

#### 10:11:06 a.m.

C2E Request For Approval To Authorize The Issuance Of A Request For Proposals (RFP) For Design-Build Services For Sunset Islands 3 & 4 Right-Of-Way Infrastructure Improvements.  
(Capital Improvement Projects/Public Works/Procurement)

**ACTION:** Request authorized. Item separated by Commissioner Tobin. Vice-Mayor Weithorn made a motion to approve the item; seconded by Commissioner Grieco; Voice-vote: 6-0; Absent: Commissioner Malakoff. **David Martinez, Eric Carpenter and Alex Denis to handle.**

Commissioner Tobin explained that the BODR issued in April 2003 is a decade old, and suggested going over with the neighbors to ensure that they have the same needs.

Jimmy L. Morales, City Manager, stated that he has directed staff to review every BODR that is yet to be started, and then staff goes back to and makes sure that the current neighbors understand what is happening.

Peter Luria, resident of Sunset Island 3 and member of the Board of Directors for Sunset Islands 3 and 4, spoke on behalf of the Board of Directors and residents. Mr. Luria stated that the residents/owners are in favor of going forward with the RFP. They had a separate engineering firm review the plans, and the residents have been waiting for a number of years to have this undergrounding done. Mr. Luria added that 96% of homeowners voted to underground utilities in a Special Mail-In Election conducted by the City Clerk's Office, and authorized spending \$20,000 per residents to do it. The residents/owners are worried that if they wait the interest rates will rise and they will have to go out again to a vote.

Discussion continued.

Vice-Mayor Weithorn made a motion to approve the item; seconded by Commissioner Grieco;  
Voice-vote: 6-0; Absent: Commissioner Malakoff.

#### **C4 - Commission Committee Assignments**

- C4A Referral To The Planning Board To Amend Section 114-1 Of The City Code To Amend The Definition Of Floor Area To Exempt Only Non-Habitable Floor Area Located Below Grade Where The Ceiling Is Also Below Grade.

(Planning)

**ACTION:** Referred. **Richard Lorber to place on the board agenda and to handle.**

- C4B Referral To The Neighborhood/Community Affairs Committee A Discussion Regarding The Andree Juliette Brun Bust And Chuck Hall Bust That Were Formerly On Display At The Jackie Gleason Theater.

(Tourism, Culture & Economic Development)

**ACTION:** Referred. Barbara Hawayek to place on the committee agenda. **Max Sklar to handle.**

- C4C Referral To The Planning Board - Proposed Amendments To The Land Development Regulations For Parking Requirements And RM-1 Development Regulations In The North Beach Area.

(Sponsored by the Land Use & Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Referred. **Richard Lorber to place on the board agenda and to handle.**

- C4D Referral To The Planning Board - Proposed Amendment To The Land Development Regulations Regarding Non-Medical Office Uses For Residential Properties Located In The RM-2 Zoning District.

(Sponsored by the Land Use & Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Referred. **Richard Lorber to place on the board agenda and to handle.**

- C4E Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Modify The Regulations Pertaining To Minimum Hotel Unit Size Requirements In The City's Commercial Zoning Districts.

(Sponsored by the Land Use & Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Referred. **Richard Lorber to place on the board agenda and to handle.**



**10:19:40 a.m.**

C4F Referral To The Planning Board - Proposed Amendment To The Land Development Regulations To Create An Overlay District Including And Adjacent To, Or Possible Rezoning Of, The Property Located At 1729 Lenox Avenue To Accommodate Additional Children At The Temple Beth Shmuel Montessori School.

(Sponsored by the Land Use & Development Committee)

(Legislative Tracking: Planning)

**ACTION:** Referred to the Planning and Historic Preservation Boards. Item separated by Vice-Mayor Weithorn and Commissioner Tobin. Motion by Vice-Mayor Weithorn to move the item to the Planning Board, removing the prior Land Use Committee's recommendation because it is a new Commission, and asking the Planning Board to consider the item on its merits or non-merits, and give the City Commission a recommendation. Additionally, any historic piece should be taken up at the same time, so they do not end up bogging down the system, as this property is in the Historic District. The historic issues should be resolved up front. Motion seconded by Vice-Mayor Wolfson; Voice-vote: 6-0; Absent: Commissioner Malakoff. **Richard Lorber to place on the board agendas as amended and to handle.**

Vice-Mayor Weithorn explained that this item is contentious, but she does not have a problem having the item referred to the Planning Board.

Commissioner Tobin received e-mails from numerous residents concerned over this item. Commissioner Tobin stated that normally the Land Use Committee does not refer matters from Land Use to the Planning Board, when considering a change in zoning. The methodology used in the past is to bring the item to Commission to discuss changing zoning on the recommendation of the Land Use Committee, and then the Commission makes its decision. Thereafter, the Planning Board will make its recommendation. He has never seen such a referral in the Consent Agenda, and that is the reason this item was separated.

Discussion continued.

Vice-Mayor Weithorn agrees with Commissioner Tobin, but is in agreement to send it to the Planning Board.

Commissioner Tobin stated that there should be a process.

Discussion held.

Mayor Levine suggested deferring the item to January 2014, and come up with a solution, instead of bouncing the item from committee to committee.

Alex Heckler, Esq., registered lobbyist, explained that this has been a three-year process; the item has been pulled and withdrawn; it went to Land Use and approved unanimously, with a referral to the Planning Board. He has 33 letters in support of this item, and urged the Commission not to defer the item, but to move it forward to the Planning Board.

Joe Jimenez, Assistant City Manager, explained that this is an amendment to the Land Development Regulations, and pursuant the City Code, it has to go to the Planning Board and then come back to Commission for two readings.

What concerns Commissioner Tobin is that the memorandum states in the last sentence "the expansion plan proposed by Montessori appears to be consistent with the Comprehensive Plan." He would be favorable to adding to the memorandum that the Commission has not studied the item; right now the way the memorandum reads, it appears that the Commission has given its recommendation, and after providing its recommendation is sending the item to the Planning Board.

Vice-Mayor Weithorn suggested sending the item to the Planning Board without any recommendation, and asking the Planning Board to discuss the item and send it back to the City Commission.

Frank Del Vecchio stated that this is a question of procedure. Mr. Heckler is a registered lobbyist for an applicant with financial and operational interests in expediting this process that this item involves. He expressed his objection. This is in a historic district and there is a division in the community, as there are significant issues regarding the school.

Discussion continued.

Jimmy L. Morales, City Manager, explained that there are zoning land use applications that come from staff. However, this item was not one of them. This item was placed originally on the Agenda by the former Mayor as a referral item to Land Use. At Land Use the item was referred to Planning.

Nancy Liebman stated that in addition, this item should be sent to the Historic Preservation Board; as this is a single-family historic district designated some time ago. She is here to ask to help protect the historic district.

Vice-Mayor Weithorn made a motion to move the item to the Planning Board, removing the prior Land Use Committee's recommendation because it is a new Commission, and asking the Planning Board to consider the item on its merits or non-merits, and give the City Commission a recommendation. Additionally, any historic piece should be taken up at the same time, so they do not end up bogging down the system, as this property is in the Historic District. The historic issues should be resolved up front. Motion seconded by Vice-Mayor Wolfson.

Commissioner Tobin reiterated that the Planning Board should be made aware that the City Commission has not opined on the matter, and they are seeking their recommendations on the matter.

C4G Referral To The Tennis Advisory Committee From The Neighborhood/Community Affairs Committee - Discussion And Recommendations Regarding A Jerry Moss ("Wall Of Fame") Plaque At The Flamingo Park Tennis Center.

(Sponsored by Commissioner Jonah Wolfson)  
(Legislative Tracking: Parks & Recreation)

**ACTION:** Referred. **Julio Magrisso to place on the committee agenda and to handle.**

- C4H Referral To The Finance And Citywide Projects Committee - TECO/Peoples Gas System, Inc. Franchise Agreement.

(Public Works)

**ACTION:** Referred. Patricia Walker to place on the committee agenda. **Eric Carpenter and to handle.**

- C4I Referral To The Planning Board - An Ordinance Amending The Code Of The City Of Miami Beach, Subpart B, Entitled "Land Development Regulations," Of Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article II, Entitled "District Regulations," By Amending Division 2, Entitled "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending Section 142-109, Entitled "Commercial Use Of Single-Family Homes Prohibited," By Amending The Definitions Therein, And By Adding New Subsection (C)(1)D, Which Prohibits Advertising Of Unlawful Occupancy And Use; By Amending Subsection (C)(2), Which Removes The Limitations On Enforcement; By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 2, Entitled "Accessory Uses"; By Amending Section 142-905, Entitled "Permitted Accessory Uses In Single-Family Districts," By Adding New Subsection (B)(5)A Which Prohibits The Advertisement For The Lease Of Single Family Homes For Less Than Six Months And One Day, By Adding New Subsection (B)(5)B, Which Provides The Enforcement For A Violation Of Section (B)(5); By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Division 3, Entitled "Supplementary Use Regulations," By Amending Section 142-1111, Entitled "Short-Term Rental Of Apartment Units Or Townhomes," By Amending Section (A) To Prohibit The Advertisement Of Short Term Rental Of Apartments Units Or Townhomes; And Providing For Repealer, Severability, Codification, And An Effective Date.

(Sponsored by Commissioner Edward L. Tobin)

(Legislative Tracking: City Attorney's Office/Code Compliance)

**ACTION:** Referred. Richard Lorber to place on the board agenda. **City Attorney's Office and Code Compliance to handle.**

- C4J Referral To The Finance And Citywide Projects Committee - The Budget Advisory Committee's (BAC) Recommendation For A City Resort Tax Reserve Policy (As Described In LTC No. 422-2013 Budget Advisory Committee Motion).

(Requested by Commissioner Deede Weithorn)

**ACTION:** Referred. **Patricia Walker to place on the committee agenda and to handle.**

- C4K Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding Creating A Community Vegetable Garden Through Our Parks & Recreation Program For Miami Beach Elderly In Our Senior Centers; To Include Regular Transportation To The Garden.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Referred. Barbara Hawayek to place on the committee agenda. **John Rebar to handle.**

**ADDENDUM MATERIAL 1:**

C4L Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding A Motion Made By The Committee For Quality Education To Explore An Additional Exit Installed At The Northeast Corner Of The Public Parking Lot At 42<sup>nd</sup> Street And Royal Palm Avenue Beside North Beach Elementary School.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Referred. Barbara Hawayek to place on the committee agenda. **Saul Frances to handle.**

**City Clerk's Note:** Bonnie Stewart, Aide for Commissioner Malakoff, requested that the following statement from Commissioner Joy Malakoff be placed into the record:

*"I am very much in support of the two items regarding North Beach Elementary School.*

*1. Continuing the funding for the nurse on campus [R9K].*

*2. Opening a new exit in the northeast corner of the Roaster's and Toasters parking lot, which should alleviate congestion at drop-off and pickup [C4L]?*

*I think both of these issues are very important for the school, the children and the parents at drop-off and pickup.*

*Commissioner Joy Malakoff"*

Handouts or Reference Materials:

1. E-mail from Commissioner Malakoff

**C6 - Commission Committee Reports**

C6A Report Of The Land Use And Development Committee Meeting And Special Public Workshop Of September 23, 2013: **Regular Agenda: 1)** Discussion Of The Redevelopment Of The Talmudic University Property Located At 4000 Alton Road. **2)** Discussion Regarding Taxi Service In Miami Beach And Miami-Dade County. **Special Public Workshop: 1)** Discussion Regarding An Amendment To The Land Development Regulations That Will Create Protection From Total Demolition Of Architecturally Significant Single Family Homes Built Prior To 1942. **2)** Ordinance Amendment Pertaining To Oversized Single Family Homes. **3)** Discussion On Architecturally Significant Homes - The City Of Coral Gables Ordinance Language In Regards To The Review Of Total Demolition Requests For Single Family Homes.

(Item not reached on October 16, 2013)

**ACTION:**

**Regular Agenda:**

**Item No. 1: Discussion Of The Redevelopment Of The Talmudic University Property Located At 4000 Alton Road.**

Motion: Refer to Planning Board as proposed. Tobin/Wolfson (3-0).

**Item No. 2: Discussion Regarding Taxi Service In Miami Beach And Miami-Dade County.**

Motion: Send an Administration representative to County Commission meeting to monitor the item and report back to the LUDC. Góngora/Wolfson (3-0).

**City Clerk's Note:** See Item C7S

**Special Public Workshop:**

**Item No. 1: Discussion Regarding An Amendment To The Land Development Regulations That Will Create Protection From Total Demolition Of Architecturally Significant Single Family Homes Built Prior To 1942.**

Recommendation NOT to approve the Ordinance (Tobin/Wolfson 2-0).

**City Clerk's Office:** See R5I

**Item No. 2: Ordinance Amendment Pertaining To Oversized Single Family Homes.**

No action taken.

**Item No. 3: Discussion On Architecturally Significant Homes - The City Of Coral Gables Ordinance Language In Regards To The Review Of Total Demolition Requests For Single Family Homes.**

No discussion and no action taken.

Item deferred.

C6B Report Of The Capital Improvement Projects Oversight Committee Meeting Of July 15, 2013: **1)** Attendance. **2)** Accomplishments: **A.** Groundbreaking - Flamingo Park Football Field Track; **B.** New CIP Website. **3)** Review And Acceptance Of Minutes. **4)** Public Comments. **5)** Old Business/Requested Reports: **A.** Neighborhood Projects Map; **B.** Report On Flooding Conditions In Orchard Park Area; **C.** North Beach Neighborhoods: **1.** Status Report: Normandy Isle Phase II Neighborhood Improvements; **2.** Status Report: Biscayne Point Neighborhood Improvement Project; **D.** Middle Beach Neighborhoods: **1.** Status Report: Central Bayshore Improvements; **2.** Status Report: Lake Pancoast Improvements; **3.** Status Report: Sunset Islands I & II; **4.** Status On Lower North Bay Road; **E.** South Beach Neighborhoods: **1.** Status Report: Venetian Islands Neighborhood Improvement Project; **2.** Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding; **3.** Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project. **6)** Commission Items: **A.** Bayshore Neighborhood Right-Of-Way Neighborhood Infrastructure Improvement Project; **B.** Lower North Bay Road Neighborhood Improvements; **C.** Beachwalk Phase II From South Pointe Drive To 3rd Street; **D.** 6th Street Restrooms, 53rd Street Restrooms, And Ocean Rescue Office.

**ACTION:**

**Item No. 1: Attendance.**

See attendance sheet copy attached.

**Item No. 2: Accomplishments: A. Groundbreaking - Flamingo Park Football Field Track; B. New CIP Website.**

Maria Palacios, Public Information Specialist, discussed the June 14, 2013, Groundbreaking Ceremony for the Flamingo Park Football Field and Track project, which will be completed by football season this year, and also mentioned the launch of the CIP web site.

**Item No. 3: Review And Acceptance Of Minutes.**

MOTION: Acceptance of Report (Minutes) of the May 6, 2013 CIPOC Meeting and the June 3, 2013 CIPOC Meeting (which was dismissed for lack of quorum)

MOVED: S. Kilroy 2<sup>nd</sup>: R. Rabinowitz

PASSED: UNANIMOUS

**Item No. 4: Public Comments.**

No one came forward with public comments.

**Item No. 5: Old Business/Requested Reports: A. Neighborhood Projects Map; B. Report On Flooding Conditions In Orchard Park Area; C. North Beach Neighborhoods: 1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2. Status Report: Biscayne Point Neighborhood Improvement Project; D. Middle Beach Neighborhoods: 1. Status Report: Central Bayshore Improvements; 2. Status Report: Lake Pancoast Improvements; 3. Status Report: Sunset Islands I & II; 4. Status On Lower North Bay Road; E. South Beach Neighborhoods: 1. Status Report: Venetian Islands Neighborhood Improvement Project; 2. Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding; 3. Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project.**

**a. Neighborhood Projects Map**

A map of all the projects in the city will be included on the mbplannedprogress.com web site. Saul Gross asked that additional projects by other agencies be included on the map. He also asked that a separate map be made showing parks and parking, so users can see what construction affects traffic and get information about vertical projects and parking lots.

(He turned discussion to the status of the property maintenance facility. This topic is mentioned above, in the PUBLIC COMMENTS section.)

**b. Report on Flooding Conditions in Orchard Park Area**

c. Eric Carpenter, Director of Public Works, presented this report. Dwight Kraai requested this report, following a flooding event that occurred in April.

The original right of way project, which was part of the overall Nautilus Neighborhood right of way project, did not include a stormwater drainage component for the Orchard Park section. The intersection of 44<sup>th</sup> Street and Royal Palm Avenue was a location that had experienced flooding and that section was pulled out of the project and addressed separately. The remediation for the flooding in that area was designed under the old stormwater design standards. A 48" pipe was installed. This was designed based on lower tailwater conditions than the current stormwater master plan includes. This would not drain as effectively as a pipe designed with a higher mean high-tide in mind, as the new plan calls for. Saul Gross pointed out, however, that the outflow pipes are working and the intersection does drain and there is marked improvement in the conditions. Public Works has identified low elevations at intersections throughout the city and has implemented a hot spot improvement program.

**d. North Beach Neighborhoods**

**Status Report: Normandy Isle Phase II Neighborhood Improvements**

Mattie Reyes, the project manager, explained that the work for phase II of this project is wrapping up. The Marseille Drive drainage improvement is coming up, now that the City has agreed on a fee with the A/E consultant. The landscaping was completed by the Parks

Department's Greenspace Division. The lighting project on Marseille Drive is a budget request, submitted for the FY 2013/14 Capital Budget, for Commission approval.

Status Report: Biscayne Point Neighborhood Improvement Project

Carla Dixon, the project manager, presented at the meeting. Public Works is conducting the final inspections of the stormwater system on Stillwater Drive (including lamping and infill tests at high tide). Following Public Works inspections of the stormwater system, DERM does the final certification. The stormwater system on Stillwater Drive is in operation.

In Biscayne Beach, the last drainage structure arrived for installation the day of the meeting. The last sections of piping for the drainage system were on schedule to be installed by the end of July. In July and August, the final components of the pump stations were going in, including the electrical panels.

David Martinez noted that the system in the streets in Biscayne Beach tie in to the system on Stillwater Drive, so final completion of the entire system is contingent on completion of Biscayne Beach drainage.

The contractor has begun to minimize the staging area at 84<sup>th</sup> Street. They are beginning to demobilize and clean up the area.

The pillars for the entrance feature to Biscayne Point Island were installed. The contractor, as of the meeting, had taken measurements for the fence, and the fence was being fabricated. The remaining components, including the light fixtures, pavers and slab, were on schedule to be completed by the end of October, which is within schedule for the project.

e. Middle Beach Neighborhoods

Status Report: Central Bayshore Improvements

Darlene Fernandez, the project manager, spoke about Phase II of the project. Phase II adds additional drainage south of 34 Street. All the permits for that phase of the project have been submitted. All the original drainage work for the Central Bayshore project has been installed, with the exception of Flamingo Drive. The pump stations are 75% complete and should be substantially complete by August. The five pump stations are located at Pine Tree Drive and 28 Street, Prairie Avenue and 28 Street, Chase Avenue and 34 Street, Pine Tree Drive and 34 Street, and Prairie Avenue and 37 Street.

Dwight Kraai asked if there were emergency generators for the pumps should there be a loss of power. There are generator receptacles on all the pumps. Public Works has portable generators that they would deploy at the pump stations should they be needed. Several additional questions were asked about this, so it was decided that the Public Works Department would bring more information about the portable generators to a future meeting.

The roadway has been restored in the area of this project near St. Patrick's Church. The final lift of asphalt was scheduled to be placed the week of the meeting.

The Central Bayshore project is expected to be completed in May, 2014.

Status Report: Lake Pancoast Improvements

Report provided in written agenda, but not discussed.

Status Report: Sunset Islands I & II

Report provided in written agenda, but not discussed.

Status on Lower North Bay Road

David Martinez mentioned that three items that were going to Commission at the July 17 City Commission meeting were not included in the packet for CIPOC because the Manager had not yet signed the accompanying memos. Saul Gross indicated that he wanted specifically to discuss Lower North bay Road (LNBR).

Mr. Gross asked for clarification of the new RFP. Pointing out that the project was changed from a Design/Bid/Build contract, as it had been awarded last year, (designed by CH2MHill, contract awarded to TransFlorida. The contractor was terminated for convenience.

Mr. Gross mentioned that the LNBR project was to be the first right of way project to use the guidelines from the new Stormwater Master Plan. He said that the previous director promised to bring the standards and measurements to the CIPOC that are to be used in determining the new design for the LNBR project. Those materials were not yet brought to CIPOC.

Mr. Martinez explained that the City Engineer's Office has developed a design criteria package (DCP). Stacy Kilroy noted that recent articles in publications like the New York Times and Rolling Stone Magazine have brought to light the importance of addressing sea-level rise in public construction projects.

Eric Carpenter explained that the design criteria package is consistent with the 2012 guidelines for stormwater design from the master plan. (tailwater elevation of .67 NAVD) The DCP calls for enlarging the pump station wet wells in order to upsize the pumps at a later date. Pipes will be sufficiently sized to accommodate a 5yr 1day storm event. He noted that there will be times when the system will be inundated. They are also looking at incorporating a telemetry system to close the outfalls when there are extremely high tailwater conditions, but then to reopen them if and when low tailwater conditions apply.

Mr. Kraai was critical of the tidal-value measurement numbers used, saying that the City is not taking "King Tides" into consideration. He asked if the City is going to re-evaluate the conditions as per direction of the City Manager. Mr. Kraai maintains that the numbers being used are not acceptable because they don't take into account October and November tides. Mr. Carpenter said that mean high tides in 2012 were above average. Mr. Kraai said that trend will continue.

Mr. Carpenter said that the City is using the best available data, which is the published data from the Army Corps of Engineers. It shows a .67 NADV tailwater elevation going out 20 years. Mr. Kraai wants additional investigation. Mr. Carpenter said that it is unknown whether last year's tides were an exception or part of new patterns. The data is usually looked at over "epochs." Mr. Kraai considers this approach a "boondoggle." He says that the tides will continue to be higher each year. Stacy Kilroy noted that there is a sensitivity to accepting the best available data, but we should have a higher level of scrutiny, because there are newer studies that show a more dire situation. Mr. Carpenter said that there is a wide range of data and it is difficult to calculate so far in advance. Mr. Kraai stated that all that is necessary is to look at October and November flooding to see the trends.



Mr. Gross asked the practical difference of using the more severe measurements. It would be a cost factor, explained Mr. Carpenter. He also explained that upsizing pipes just a few inches in diameter increases conveyance and also increases cost at about \$5 per linear foot. The City is considering upsizing pipes, putting in larger wet wells and discharge wells.

Mr. Gross pointed out that CIPOC was expecting a much more detailed analysis at this point as it applied to LNBR. CIPOC wanted LNBR to be a test case for the community so they could use it to determine costs and service levels. He stated he would not want Commission to approve moving ahead with this project until everyone had a better handle on the data. It is an area most prone to flooding, and the City wants to reevaluate the original design and use it in developing the DCPI. Raising the elevation of the roadway could result in flooding private property. Concave swales would be a solution.

Dwight Kraai noted that Rick Saltrick was quoted in Rolling Stone Magazine that the City was considering raising the roadway elevations in some places, and inquired where that might be a consideration. Mr. Saltrick said that the City is looking into raising the elevation of the road in Sunset Harbour, adjacent to the park and the newer condominiums. According to the design criteria package for LNBR, said Mr. Saltrick, the City has established a minimum inlet height, associated with king tides, so the lowest point of the road cannot be lower than a certain elevation. The design also considers raising elevations of sea walls.

Brian Ehrlich asked how the decisions are made on the designs and if there is a central consultant for these decisions. Rick Saltrick explained that the City looks to the group with the four-county compact as well as published data. Mr. Ehrlich said that there appears to be reticence to come back with information. Mr. Carpenter said that the City is so far ahead of the sea level rise issue that the engineering judgment is not strong at this time. Mr. Ehrlich said when designing these systems, we should not necessarily look to the past, but try to get ahead of possible major events.

The real answer, said Mr. Gross, is that it is a question of cost. He said that by asking for this data, the board is looking to assist in evaluating the cost effectiveness of forecast design.

The roadway system is designed to flood before water is pumped off the street. ("sacrificial system" so properties don't flood). The City wants to tackle the major flooding that goes onto private property. But Stacy Kilroy pointed out that it's still a problem if \$50K cars are flooded in the streets. She asked that staff make recommendations and put them in writing. She said that in the community there is a consensus that there is a sense of urgency.

## **5 D:**

### **MOTION:**

Recommend to Commission to hold off on issuing the DCP until they have a more detailed explanation of what the assumptions are that went into putting the DCP together and what alternative assumptions had been considered that the City decided not to pursue and what the cost and design ramifications of those and other assumptions might be.

MOVED: S. Kilroy      2<sup>nd</sup> : D. Kraai

UNANIMOUS.

**Item No. 6: Commission Items: A. Bayshore Neighborhood Right-Of-Way Neighborhood Infrastructure Improvement Project; B. Lower North Bay Road Neighborhood Improvements; C. Beachwalk Phase II From South Pointe Drive To 3rd Street; D. 6th Street Restrooms, 53rd Street Restrooms, And Ocean Rescue Office.**

6A

Bayshore Neighborhood Right-of-Way Infrastructure Improvement Project

The vote was to ask the Commission to pass the resolution authorizing additional work to address unforeseen conditions and construction administration services.

MOVED: T. Trujillo 2<sup>nd</sup> : E. Camargo

UNANIMOUS

6B

**MOTION:**

Recommend to Commission to hold off on issuing the DCP until they have a more detailed explanation of what the assumptions are that went into putting the DCP together and what alternative assumptions had been considered that the City decided not to pursue and what the cost and design ramifications of those and other assumptions might be.

MOVED: S. Kilroy 2<sup>nd</sup> : D. Kraai

UNANIMOUS.

- C6C Report Of The Land Use And Development Committee Meeting Of October 23, 2013: **1)** Discussion Of The City's Draft Tree Ordinance Prepared By The Parks And Recreation Department's Green Space Management Division. **2)** Parking District No. 5 - Sunset Harbour. **3)** Zoning And Planning Initiatives For North Beach Including Ordinance Amendments For Parking Requirements And Development Regulations. **4)** Discussion To Consider The Solicitation Of Letters Of Interest From Institutions Of Higher Education For The Development Of Our Municipal Assets In North Beach. **5)** Accessory Setback Encroachments - An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1133 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date. **6)** Discussion Regarding A Proposed Amendment To Section 142-213 - Conditional Uses To Include The Following Language: And Non-Medical Low Intensity Offices, Such As Architect Offices, Accountant Offices, Attorney Offices And Real Estate Offices, Which Are Located On The Lobby Level Of Bay Front Apartment Buildings The Proposed Section Will Read As Follows: Sec. 142-213. - Conditional Uses. Conditional Uses In The RM-2 Residential Multifamily, Medium Intensity District Are Adult Congregate Living Facility; Day Care Facility; Nursing Home; Religious Institutions; Private And Public Institutions; Schools; Commercial Or Noncommercial Parking Lots And Garages; Accessory Neighborhood Impact Establishment, As Set Forth In Article V, Division 6 Of This Chapter; And Non-Medical Low Intensity Offices, Such As Architect Offices, Accountant Offices, Attorney Offices And Real Estate Offices, Which Are Located On The Lobby Level Of Bay Front Apartment Buildings. **7)** Discussion Involving Restricting A Portion Of City Street Located In The Middle Of St. Patrick's School And Pre-K School For Safety And Security Reasons. **8)** Boat Docks And Marine Structures Ordinance. **9)** Discussion Concerning The Motion By The GLBT Business Enhancement Committee Regarding Extending Hours Of Operation For

The Four Event Weekends: White Party, Winter Party Festival, Miami Beach Gay Pride And Aqua Girl. **10)** Consideration Of A Proposed Ballot Question To Permit Limited Transfer Of FAR Within A Specific Zone, Pursuant To Criteria That Shall Be Established In Upcoming Ordinances Regarding Alton Road. **11)** Discussion On A Resolution Calling For A Special Election To Be Held On November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach An Advisory, Non-Binding Straw Ballot Question Asking Whether The City Commission Should, Without Owner Consent, Designate Individual Single Family Homes That Satisfy The City Code's Evaluation Criteria For Local Historic Site Designation? **12)** Discussion Regarding Repealing Sec. 74-1, Entitled "Soliciting Business In Public From Pedestrians" Of The Code Of The City Of Miami Beach, Florida. **13a)** Discussion On Architecturally Significant Homes - The City Of Coral Gables Ordinance Language In Regards To The Review Of Total Demolition Requests For Single Family Homes. **13b)** Discussion On The Historic Preservation Board's Recommendation To Adopt A Demolition Ordinance For Single Family Residences, As Similar As Possible To The City Of Coral Gables Ordinance, Which Requires Review Of Total Demolition Requests For Any Structure 50 Years Of Age Or Older By The City's Historic Preservation Officer, In Order To Determine If The Structure Should Be Brought To The Historic Preservation Board For Historic Designation Consideration. **14)** Discussion To Consider An Amendment To Article II, Section 142 Of The Land Development Regulations, To Modify The Regulations Pertaining To Minimum Hotel Unit Size Requirements In The City's Commercial Zoning Districts, Permitting Nonconforming Historic Hotels To Be Significantly Renovated Without The Need For Additional Variances For Unit Size. **15)** Discussion Regarding The Beachwalk II Project Phase II (3rd Street To 5th Street). **16)** Discussion Regarding The Creation Of An Overlay District Including And Adjacent To, Or Possible Rezoning Of, The Property Located At 1729 Lenox Avenue To Accommodate Additional Children At The Temple Beth Shmuel Montessori School. **17)** Discussion Regarding Taxi Service In Miami Beach And Miami-Dade County.

#### **ACTION:**

##### **Item No. 1: Discussion Of The City's Draft Tree Ordinance Prepared By The Parks And Recreation Department's Green Space Management Division.**

Continue to the December Land Use Committee Meeting.

##### **Item No. 2: Parking District No. 5 - Sunset Harbour.**

Continue to the December Land Use Committee Meeting.

##### **Item No. 3: Zoning And Planning Initiatives For North Beach Including Ordinance Amendments For Parking Requirements And Development Regulations.**

Motion: Refer the matter to the Planning Board as an Ordinance Amendment with a recommendation to replace the proposed 2,500 square foot limit on additions with the maximum FAR available on the property, Additionally, the Planning Board is directed to look at the 2,500 square foot limitation on additions. Libbin/Góngora (3-0).

##### **Item No. 4: Discussion To Consider The Solicitation Of Letters Of Interest From Institutions Of Higher Education For The Development Of Our Municipal Assets In North Beach.**

No action taken. Item dropped from Agenda.

**Item No. 5: Accessory Setback Encroachments - An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article IV, Entitled "Supplementary District Regulations," By Amending Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1133 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date.**

Motion: Refer the matter to the City Commission for 2<sup>nd</sup> Reading with a favorable recommendation. Libbin/Góngora (2-1).

**City Clerk's Note:** See Item R5A

**Item No. 6: Discussion Regarding A Proposed Amendment To Section 142-213 - Conditional Uses To Include The Following Language: And Non-Medical Low Intensity Offices, Such As Architect Offices, Accountant Offices, Attorney Offices And Real Estate Offices, Which Are Located On The Lobby Level Of Bay Front Apartment Buildings The Proposed Section Will Read As Follows: Sec. 142-213. - Conditional Uses. Conditional Uses In The RM-2 Residential Multifamily, Medium Intensity District Are Adult Congregate Living Facility; Day Care Facility; Nursing Home; Religious Institutions; Private And Public Institutions; Schools; Commercial Or Noncommercial Parking Lots And Garages; Accessory Neighborhood Impact Establishment, As Set Forth In Article V, Division 6 Of This Chapter; And Non-Medical Low Intensity Offices, Such As Architect Offices, Accountant Offices, Attorney Offices And Real Estate Offices, Which Are Located On The Lobby Level Of Bay Front Apartment Buildings.**

Motion: Refer the matter to the Planning Board as an Ordinance Amendment. Libbin/Wolfson (3-0).

**Item No. 7: Discussion Involving Restricting A Portion Of City Street Located In The Middle Of St. Patrick's School And Pre-K School For Safety And Security Reasons.**

Motion: Administration is instructed to issue a Right-Of-Way permit immediately for a fence and gate, and to perform a traffic and parking analysis for the permanent vehicular closure of Meridian Avenue. The Right-of-Way permit will be for 120 days, and the parking and traffic analysis will be brought back to the Land Use Committee when complete.

Wolfson/Libbin (3-0)

**Item No. 8: Boat Docks And Marine Structures Ordinance.**

Continue to the December Land Use Committee Meeting.

**Item No. 9: Discussion Concerning The Motion By The GLBT Business Enhancement Committee Regarding Extending Hours Of Operation For The Four Event Weekends: White Party, Winter Party Festival, Miami Beach Gay Pride And Aqua Girl.**

Apply the same standard use for "White Party" to similar events.

Libbin/Góngora (3-0).

**Item No. 10: Consideration Of A Proposed Ballot Question To Permit Limited Transfer Of FAR Within A Specific Zone, Pursuant To Criteria That Shall Be Established In Upcoming Ordinances Regarding Alton Road.**

Item Withdrawn

**Item No. 11: Discussion On A Resolution Calling For A Special Election To Be Held On November 5, 2013, For The Purpose Of Submitting To The Electorate Of The City Of Miami Beach An Advisory, Non-Binding Straw Ballot Question Asking Whether The City Commission Should, Without Owner Consent, Designate Individual Single Family Homes That Satisfy The City Code's Evaluation Criteria For Local Historic Site Designation?**

Item Withdrawn

**Item No. 12: Discussion Regarding Repealing Sec. 74-1, Entitled "Soliciting Business In Public From Pedestrians" Of The Code Of The City Of Miami Beach, Florida.**

Land Use Committee recommends not moving forward with the proposal.

Libbin/Góngora (2-0)

**Item No.: 13a: Discussion On Architecturally Significant Homes - The City Of Coral Gables Ordinance Language In Regards To The Review Of Total Demolition Requests For Single Family Homes. 13b: Discussion On The Historic Preservation Board's Recommendation To Adopt A Demolition Ordinance For Single Family Residences, As Similar As Possible To The City Of Coral Gables Ordinance, Which Requires Review Of Total Demolition Requests For Any Structure 50 Years Of Age Or Older By The City's Historic Preservation Officer, In Order To Determine If The Structure Should Be Brought To The Historic Preservation Board For Historic Designation Consideration.**

Motion: Direct the Administration to study how the Coral Gables Ordinance could be implemented on Miami Beach and bring alternatives back to the Land Use Committee in December.

Góngora/Libbin (2-0)

**Item No. 14: Discussion To Consider An Amendment To Article II, Section 142 Of The Land Development Regulations, To Modify The Regulations Pertaining To Minimum Hotel Unit Size Requirements In The City's Commercial Zoning Districts, Permitting Nonconforming Historic Hotels To Be Significantly Renovated Without The Need For Additional Variances For Unit Size.**

Motion: Refer the matter to the Planning Board as an Ordinance Amendment.

Libbin/Góngora (3-0)

**Item No. 15: Discussion Regarding The Beachwalk II Project Phase II (3rd Street To 5th Street).**

Continue the matter to the December Land Use Committee to discuss the potential cost increase of going into the dune.

Libbin/Góngora (3-0)

**Item No. 16: Discussion Regarding The Creation Of An Overlay District Including And Adjacent To, Or Possible Rezoning Of, The Property Located At 1729 Lenox Avenue To Accommodate Additional Children At The Temple Beth Shmuel Montessori School.**

Motion: Refer the matter to the Planning Board as an Ordinance Amendment including an overlay, required buffering from residential homes and Conditional Use approval.

Libbin/Góngora (3-0)

**Item No. 17: Discussion Regarding Taxi Service In Miami Beach And Miami-Dade County.**

Motion: The Administration is instructed to monitor the matter and report back to the Land Use Committee.

- C6D Report Of The Neighborhood/Community Affairs Committee Meeting Of October 28, 2013: **1)** Status Update For The Beachwalk From 3rd Street To Fifth Street. **2)** Discussion Regarding The Possible Renaming Of 21st Street, From Miami Beach Drive To Washington Avenue, As “Collins Park South” And 22nd Street, From Miami Beach Drive To Dade Boulevard, As “Collins Park North”. **3)** Discussion Regarding The Disability Access Committee's Motion In Regards To Alternative Leaf Blowers. **4)** Discussion Regarding Water Taxi Proposal. **5)** Discussion Regarding The Log Cabin Property And The Possibility Of A Collaborative Community Center. **6)** Discussion Regarding Potential Options For Collins Canal Project/Discussion Regarding Interim Landscaping Option For The Dade Boulevard Shared-Use Path Project. **7)** Discussion Regarding Alternative Location For Dog Park In South Pointe Park.

**ACTION:****Item No. 1: Status Update For The Beachwalk From 3rd Street To Fifth Street.**

Motion: By Commissioner Tobin to refer item back to the Land Use for further discussion including cost impacts and directed the Environmental Division to do additional outreach to residents in the affected area.

Seconded by Commissioner Libbin.

**Item No. 2: Discussion Regarding The Possible Renaming Of 21st Street, From Miami Beach Drive To Washington Avenue, As “Collins Park South” And 22nd Street, From Miami Beach Drive To Dade Boulevard, As “Collins Park North”.**

Motion: By Commissioner Tobin- Item to be sent back to Commission.

Second by Commissioner Exposito to include language with specific guidelines and details of item's history and establish criteria.

**Item No. 3: Discussion Regarding The Disability Access Committee's Motion In Regards To Alternative Leaf Blowers.**

Motion: By Commissioner Libbin to bring back to committee for further discussion regarding current licensing requirements.

Seconded by Commissioner Tobin.

**Item No. 4: Discussion Regarding Water Taxi Proposal.**

Motion: By Commissioner Tobin- administration to further explore more feasible drop off location and gather more details and bring back to Committee.

Seconded by Commissioner Exposito.

**Item No. 5: Discussion Regarding The Log Cabin Property And The Possibility Of A Collaborative Community Center.**

MOTION: By Commissioner Exposito to propose to parks and recreation and work with the City of Surfside to explore options. Also, have City staff meet with MACtown about potential programs appropriate to the City. Have all these item brought back to Commission in December.

- Explore both options for Skate Park.
- Pursue grant funding through the Tony Hawk Foundation.
- Pursue Log Cabin site for recreational programs and community service (with Tobin's Amendment).
- Determine appropriate program for the development of the disabled.

Commissioner Tobin: amended the motion to have administration make a commitment to look at staff and program objectives.

**Item No.6: Discussion Regarding Potential Options For Collins Canal Project/Discussion Regarding Interim Landscaping Option For The Dade Boulevard Shared-Use Path Project.**

DIRECTION: By Commissioner Tobin to bring it back to committee meeting once the 11/16/13 meeting takes place.

Administration would like to present this concern again to the County.

**Item No. 7: Discussion Regarding Alternative Location For Dog Park In South Pointe Park.**

MOTION: By Commissioner Exposito to bring it back to Commission in December for extension on the pilot program.

Second by Commissioner Tobin

**C7 - Resolutions**

- C7A A Resolution Retroactively Approving And Authorizing The City Manager, Or His Designee, To Take The Following Actions: 1) Submittal Of An Application To The U.S. Department Of Homeland Security, Federal Emergency Management Agency (FEMA) For The Emergency Food And Shelter Program (EFSP) For Phase 31 Funding In The Amount Of \$50,000 For Emergency Assistance; 2) Submittal Of An Application To The Miami-Dade County Homeless Trust For Fiscal Year (FY) 2013/14 Primary Care Housing And Services Funds In The Amount Of \$62,673 For The City's Homeless Outreach Program; 3) Submittal Of An Application To Miami-Dade County Homeless Trust For Fiscal Year (FY) 2013/14 Funding In The Amount Of \$25,000 For Identification Assistance Services For Homeless Individuals And Families As Part Of The City's Homeless Outreach Program; 4) Submittal Of An Application To The US Department Of Homeland Security, Federal Emergency Management Agency (FEMA), For The FY 2013/14 Assistance To Firefighters Grant Program, For Funding In The Approximate Amount Of \$32,000 For Equipment For Fire Department Operations; 5) Submittal Of An Application To The Florida Department Of Transportation (FDOT) For The Fiscal Year 2013/14 High Visibility Enforcement (HVE) Program For Funding In The Approximate Amount Of \$180,000 For The Police Department Pedestrian And Bicycle Safety Initiative; 6) Submittal Of A Request In The Amount Of \$2,750 To The National Arts Program Foundation® For The City Of Miami Beach Employee Art Show; And, 7) Approve The City's Participation In The South Florida Climate Change And Extreme Weather Vulnerability Assessment And Adaptation Pilot Project Program For Adaptation Options For Transportation Infrastructure; Appropriating The Above Grants, Matching Funds, And City Expenses, If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To The Aforestated Applications, Including, Without Limitation, Audits, And Authorizing The City Manager, Or His Designee, To Take All Necessary Actions Related To These Grants.

(Budget & Performance Improvement)

**ACTION: Resolution 2013-28413 adopted.** Patricia Walker to appropriate the funds if approved and accepted. **John Woodruff and Judy Hoanshelt to handle.**

- C7B A Resolution Accepting The City Manager's Revised Recommendation To Reject All Proposals Received Pursuant To Request For Proposals (RFP) No. 064-2013, For Audit Services Of Capital Improvement Projects.

(Budget & Performance Improvement/Procurement)

**ACTION: Resolution 2013-28414 adopted. John Woodruff and Alex Denis to handle.**

- C7C A Resolution Setting A Public Hearing To Adopt The First Amendment To The General Fund, Enterprise Fund, Internal Service Fund, And Special Revenue Fund Budgets For Fiscal Year (FY) 2013/14.

(Budget & Performance Improvement)

**ACTION: Resolution 2013-28415 adopted.** Rafael E. Granado to notice. Lilia Cardillo to place on the January 15, 2014 Commission Agenda if received. **John Woodruff to handle.**

- C7D A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 4 To The Professional Services Agreement With Stantec Consulting Services, Inc. For Additional Architectural Engineering Services, For The Flamingo Park Football Field And Track Renovation Project; In The Negotiated Amount Of \$22,586; With Previously Appropriated Funding In The Amount Of \$22,586 From Fund 301, Quality Of Life Fund.

(Capital Improvement Projects)

(Item not reached on October 16, 2013)

**ACTION: Resolution 2013-28416 adopted. David Martinez to handle.**

**10:35:04 a.m.**

- C7E A Resolution Accepting The City Manager's Revised Recommendation To Reject All Proposals Received Pursuant To Request For Proposals (RFP) No. 01-2013ME, For Unarmed Security Guard Services; Further Authorizing A Continuing Month-To-Month Extension Of The Current Security Guard Services Contract With Security Alliance LLC, Dated April 2, 2007, With Said Extension Terminable By The City, For Convenience And Without Cause, At Such Time As A New Contract For Security Guard Services Is Approved And Executed.

(Citywide/Procurement)

(Item not reached on October 16, 2013)

**ACTION: Resolution 2013-28417 adopted.** Motion made by Commissioner Wolfson to accept the City Manager's recommendation; seconded by Mayor Levine; Voice-vote: 5-1; Opposed: Vice-Mayor Weithorn; Absent: Commissioner Malakoff. **Alex Denis to handle.**

Vice-Mayor Weithorn explained that one issue that concerns her is that one of the bidders did not follow the rules and was rejected. By rejecting all proposals and putting it out to bid, they give that firm a second bite of the apple. Secondly, they need to rethink the [procurement] committee system and how they do this; she does not think the [procurement] committee functions the way they were designed to function. She does not know how to fix the structure of the [procurement] committees, but is pleading for staff to figure an efficient system.

Discussion held.



Alex Denis, Procurement Director, explained that the [procurement] committee system has already been revised. In the past, a recommendation was presented to the City Manager, and then the [procurement] committee evaluated the qualitative and quantitative criteria and submitted their recommendation. Going forward, the [procurement] committee does not make a recommendation to the City Manager, but scores project related methodology, and in an objective fashion adds the cost or point for score, financial capacity and those types of objective criteria measures; those are then combined and submitted to the City Manager.

Vice-Mayor Weithorn stated that the objective criteria will be well documented and auditable, and will be something that proposers know up front in order to avoid bid protests.

Mayor Levine suggested Vice-Mayor Weithorn meet with City Manager Jimmy Morales to come up with ideas to improve the system. **TO DO:** Schedule meeting with Commissioner Weithorn. **Alex Denis to handle.**

Discussion held.

Dusty Melton, III, representing Kent Services, spoke.  
Joe Bober, representing G4 Services, spoke.

Jimmy L. Morales, City Manager, stated that the Administration stands by their recommendation. Mr. Morales explained some of the concerns he had with this bid, including that one of the bidder's representative, the registered agent for purposes of this bid, was an on duty police officer. His sense was to clean this, and go back out to bid.

Mr. Morales stated that this particular [procurement] committee, which he inherited, changed who was the number one ranked bidder throughout the evaluation process; that is why he wanted to go to objective factors. The committee should give their rankings and then the Administration will decide the other factors.

Motion made by Commissioner Wolfson to accept the City Manager's recommendation; seconded by Mayor Levine.

Raul Aguila, Chief Deputy City Attorney, informed that the City received two bid protests from Kent Security and G4S Services, which were both responded to and rejected. He stated, for the record, that the City Manager's recommendation is legally proper.

#### Handouts or Reference Materials:

1. Letter from Gil Neuman, CEO, Kent Security, to The Honorable Mayor and Members of the City Commission, dated December 9, 2013, requesting making a presentation at the Commission Meeting with the following attachments:
  - a) Miami-Dade County Commission's agenda memorandum from its February 18, 2010 meeting approving a payment of \$7.5 million by The Wackenhut Corporation (as G4S was then known).
  - b) Kent Security's letter to the City Manager last July 13, protesting his contract recommendation for G4S.
  - c) Kent Security's letter to the City Manager on October 11, urging contract with Kent Security.
2. Speaker's list – Joseph E. Bober, Esq., for G4S Service Solutions
3. Lobbyist List - Revised

- C7F A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Execute A Letter Of Agreement With Jewish Community Services Of South Florida, Inc. (JCS) In The Amount Of \$40,000, For Provision Of Litter Control And Sanitation Support Services, Through JCS's HOPE Program, In The Area From 5th To 11th Streets, Between Lenox And Meridian Avenues.

(Public Works)

**ACTION: Resolution 2013-28418 adopted. Eric Carpenter to handle.**

- C7G A Resolution Authorizing The Issuance Of A Request For Qualifications (RFQ) For An Insurance Broker Of Record, For Property And Liability Insurance As Needed For The City Of Miami Beach, Florida; And Authorizing A Month-To-Month Extension To Arthur J. Gallagher And Co. Agreement Until A New Contract Is Awarded And Executed.

(Human Resources/Procurement)

**ACTION: Resolution 2013-28419 adopted. Sylvia Crespo-Tabak and Alex Denis to handle.**

- C7H A Resolution Approving And Consenting To An Assignment Of The Existing Agreement For Investigative And Adjusting Services For Selected Tort Liability And Workers' Compensation Claims On An "As Needed" Basis Between The City And Horizon Investigations, Inc. ("Horizon") (As Assignor), To Proven Investigation, L.L.C. ("Proven") (As Assignee), With Such Approval And Consent Effective Upon Execution Of Assignment By The Mayor And City Clerk.

(Human Resources/Procurement)

(Item not reached on October 16, 2013)

**ACTION: Resolution 2013-28420 adopted. Sylvia Crespo-Tabak and Alex Denis to handle.**

- C7I A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 185-2013, For P25 Mobile Radio System Consulting Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, TUSA Consulting Services; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing Negotiations With The Second-Ranked Proposer, RCC Consultants, Inc.; And Should The Administration Not Be Successful In Negotiating With The Second-Ranked Proposer, Authorizing Negotiations With The Third-Ranked Proposer, ACD Telecom LLC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.

(Information Technology/EOC/Procurement)

**ACTION: Resolution 2013-28421 adopted. Ariel Sosa, Charles Tear and Alex Denis to handle.**

**9:09:04 a.m.**

- C7J A Resolution Waiving, By 5/7ths Vote, The Formal Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The City Manager To Negotiate And Execute An Agreement With Verizon Terremark, In The Not To Exceed Amount Of \$328,560, For A Period Of One (1) Year.  
(Information Technology)

**ACTION:** Item withdrawn.

- C7K A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Parking Lease Agreement With The National Marine Manufacturers Association (NMMA) Boat Show For The Preferred Parking Lot And Other City Property Adjacent To The Boat Show Exhibition Space/Premises; Said Lease For The Boat Show Dates In February 2014, 2015, And 2016, Respectively, And Running Concurrently With The Boat Show Lease Agreement For Use Of The Miami Beach Convention Center.  
(Parking)  
(Item not reached on October 16, 2013)

**ACTION: Resolution 2013-28422 adopted. Saul Frances to handle.**

- C7L A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 157-2013, For Gymnastic Program Instruction Services; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Proposer, Gym Kidz Inc.; And Should The Administration Not Be Successful In Negotiating An Agreement With The Top-Ranked Proposer, Authorizing The City To Issue A New Request For Proposals; Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration.  
(Parks & Recreation/Procurement)

**ACTION: Resolution 2013-28423 adopted. John Rebar and Alex Denis to handle.**

- C7M A Resolution Approving And Authorizing The City Manager To Execute Amendments, Acceptable To The City Attorney's Office, To The Various Locally Funded Agreements And Memoranda Of Agreements With The Florida Department Of Transportation, As Previously Approved By Resolution No. 2012-27899 Dated May 9, 2012, For Construction And Maintenance Of The Deep Root Green Infrastructure Product "Silva Cells" As Part Of The Florida Department Of Transportation's State Road 907/Alton Road Project From 5th Street To Michigan Avenue, With Funding Provided By The City Of Miami Beach In An Amount Not To Exceed \$250,000.00 From The FY 2013/14 305-Quality Of Life Fund - South Beach, Subject To Future Appropriation Through A Budget Amendment To The Capital Budget For Fiscal Year 2013/14 To Be Presented At The December 11, 2013 Commission Meeting.  
(Parks & Recreation)

**ACTION: Resolution 2013-28424 adopted. John Rebar and Eric Carpenter to handle.**

- C7N A Resolution Accepting The Donation Of Two Specially Trained Canines From The Miami Beach K-9 Knights, That Will Be Utilized By The Miami Beach Police Department Operations Division Canine Squad, Which Shall Be Used For The Detection, Tracking And Apprehension Of Subjects Involved In Criminal Activity.

(Police)

**ACTION: Resolution 2013-28425 adopted. Chief Martinez to handle.**

- C7O A Resolution Accepting The Donation Of \$10,000 From Mr. David Wallack To Purchase A Specially Trained Canine To Be Utilized By The Miami Beach Police Department's Operations Division Canine Squad, For The Detection, Tracking, Apprehension, And Arrest Of Subjects Involved In Criminal Activity.

(Police)

**ACTION: Resolution 2013-28426 adopted. Chief Martinez to handle.**

- C7P A Resolution Authorizing An Upgrade To The Automated Fingerprint Identification System (AFIS) Latent Workstation And Future Maintenance From Morphotrak Inc., And Further Authorizing The Mayor And City Clerk To Execute A Product System Agreement With Morphotrak, Inc., For Said Purpose, In The Total Amount Of \$44,500.

(Police/Procurement)

**ACTION: Resolution 2013-28427 adopted. Chief Martinez and Alex Denis to handle.**

- C7Q A Resolution Approving The Appropriation Of An Amount Not To Exceed \$100,000 To Implement The Previously Approved Settlement Agreement With The Seville Acquisition, LLC For The Construction Of An Elevated Beachwalk And Use Of Rubberized Pavers Behind The Marriott Edition Hotel At 29 Street And Collins Avenue Subject To Future Appropriation Through A Budget Amendment To The Capital Budget For Fiscal Year 2013/14 To Be Presented At The December 11, 2013 Commission Meeting.

(Public Works)

**ACTION: Resolution 2013-28428 adopted. Eric Carpenter to handle; Patricia Walker to appropriate the funds.**

- C7R A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee At Its October 28, 2013 Meeting That The City Administration Develop Criteria For The Co-Naming Of Streets.

(Public Works)

**ACTION: Resolution 2013-28429 adopted. Eric Carpenter and City Attorney's Office to handle.**

- C7S A Resolution Accepting The Recommendation Of The Neighborhoods/Community Affairs Committee Directing The City Administration To Explore Potential Locations And Times For Water Taxi Service Within The City And To Mainland Miami.  
(Public Works)

**ACTION: Resolution 2013-28430 adopted. Jose Gonzalez to handle.**

- C7T A Resolution Approving Funding In An Amount Of Up To \$50,000, And Authorizing The City Manager Or His Designee To Reimburse The Miami Beach Visitor And Convention Authority (VCA) (In An Amount Not To Exceed \$50,000) With Regard To The VCA's Completion Of The Build-Out Of Its New Office Space, Located At 1701 Meridian Avenue, Unit 403; Such Reimbursement For A New Heating, Ventilation, And Air Conditioning (HVAC) System Design, Engineering, Permitting And Installation.  
(Tourism, Culture & Economic Development)  
(Item not reached on October 16, 2013)

**ACTION: Resolution 2013-28431 adopted. Max Sklar to handle.**

- C7U A Resolution Retroactively Approving And Authorizing The Acceptance Of \$14,075 In Sponsorships And Donations Made To The City For The 2013 Annual Hispanic Heritage Event, The Hazardous Waste Event, The Peace Pole Event, The Soundscape Cinema Series, And The Veterans Day Parade.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2013-28432 adopted. Max Sklar to handle.**

- C7V A Resolution Approving A Contribution From The Ocean Drive Association In An Amount Not To Exceed \$24,680 In Support Of The Closure Of Ocean Drive For The 2013-2014 New Year's Celebration.  
(Tourism, Culture & Economic Development)

**ACTION: Resolution 2013-28433 adopted. Max Sklar to handle.**

#### **SUPPLEMENTAL MATERIAL 1 - Agreement**

- C7W A Resolution Authorizing The City Manager To Execute An Amendment To The Interlocal Agreement With Miami-Dade County For The Provision Of Public Transportation Services For The South Beach Local For The Purpose Of Implementing The Miami-Dade Transit "Next Bus" Mobile App Service For The South Beach Local And Future North Beach Local, Subject To A Budget Amendment To The Capital Budget For Fiscal Year 2013/14 To Be Presented At The December 11, 2013 Commission Meeting.  
(Public Works)

**ACTION: Resolution 2013-28434 adopted. Eric Carpenter to handle.**

**SUPPLEMENTAL MATERIAL 1 – Memo and Resolution**

C7X A Resolution Acknowledging Mayor Philip Levine's Decision To Voluntarily Forego The Full Annual Salary, And Such Other Compensation And Benefits Afforded To The Office Of Mayor, As Set Forth In Exhibit "A" To This Resolution (And Collectively Referred To In This Resolution As The "Mayor's Compensation"), And Further Accepting The Mayor's Recommendation That Such Compensation Be Allocated To Offset Any Shortfalls And/OR Funding Gaps To The City's Elder Meals Programs, As A Result Of Federal Sequestration Cuts.

(Requested by Mayor Philip Levine)

(Legislative Tracking: Human Resources/City Attorney's Office)

**(Memorandum to be Submitted in Supplemental)**

**ACTION: Resolution 2013-28435 adopted. Sylvia Crespo-Tabak, Maria Ruiz and Patricia Walker to handle.**

C7Y A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Firms, Pursuant To Request For Proposals (RFP) No. 305-2013TC For Design/Build Services For Right-Of-Way Infrastructure Improvement Program No. 8B - Lower North Bay Road; And Further Authorizing The Mayor And City Clerk To Execute An Agreement For Design/Build Services With Previously Appropriated Funding, And Future Appropriation Through A Capital Budget Amendment To The Capital Budget For Fiscal Year 2013/2014.

(Capital Improvement Projects/Procurement)

**ACTION: Resolution 2013-28436 adopted. David Martinez to handle.**

**City Clerk's Note: Correction:**

Page 507 - Table 1, third column, correct Ric-Man International, Inc. Rank from 1 to 2.

**Handouts or Reference Materials:**

1. Letter to Lucia Dougherty dated December 9, 2013 and via e-mail: [doughertyll@gtlaw.com](mailto:doughertyll@gtlaw.com); RE: Protest Filed Pursuant to Award Recommendation on RFP 305-2013-TC, Design-Build Services for Right-of-Way Infrastructure Improvements Program No. 8B – Lower North Bay Road, signed by Jimmy L. Morales, City Manager, City of Miami Beach.

**9:35:02 a.m.**

**SUPPLEMENTAL MATERIAL 1 – Revised Memorandum and Resolution****SUPPLEMENTAL MATERIAL 3 – Updated Resolution**

C7Z A Resolution Amending Resolution No. 94-21382, As Amended By Resolution Nos. 97-22607, 98-22693, And 2003-25446, By Amending Paragraph 1 To Establish A Flood Mitigation Committee; By Amending Paragraph 2 To Provide That The Mayor May Serve As An Alternate Member On Any City Commission Committee; By Amending Paragraph 3 To Provide That The Mayor Shall Appoint A Chairperson And Vice Chairperson For All City Commission Committees; And By Amending Paragraph 4 Regarding The Procedures For The Calling And Holding Of Meetings..

(Requested by Mayor Philip Levine)

(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution 2013-28437 adopted as amended.** Item separated by Mayor Levine and Commissioner Grieco. Motion made by Commissioner Wolfson to approve the resolution; seconded by Commissioner Grieco. Consensus by the Commission to revisit the item in one year; Voice-vote: 6-0; Absent: Commissioner Malakoff. **City Attorney's Office to handle.**

**TO DO:** Bring back to City Commission in a year – **City Attorney's Office to handle.**

Mayor Levine explained that this item allows him to be able to appoint the Chairs of the commission committees. This policy was changed during Mayor Dermer's administration and he believes it will help the Commission to select the right Chairs and move things along and get things done more efficiently. He feels strongly that the ability to appoint the Chair will be a positive impact in expediting issues.

Jose Smith, City Attorney, stated that the resolution also calls for the Commission Committee meetings be held in the Commission Chambers.

Mayor Levine explained that by having television coverage at committee meetings there will be greater transparency, which is important and more people could get involved.

Vice-Mayor Weithorn suggested considering the use of the Training Room at the 1755 Meridian Building, since there are certain meetings where a conference table makes it is easier to collaborate. Secondly, she believes that appointing a Chair to move along the meetings is a great idea, but asked if the Commission can ratify the Chair or the Vice-Chair. Discussion continued.

Motion made by Commissioner Wolfson to approve the resolution; seconded by Commissioner Grieco. No voice vote taken.

Commissioner Grieco explained that there is language that needs clarification, since there is nothing in the resolution that precludes the Mayor from appointing him or herself as Chair of every committee, and he believes this is a loophole that they need to address to ensure that the Mayor or future Mayors do not appoint themselves.

Commissioner Grieco clarified that he was not concerned the current Mayor would do that.

Jose Smith, City Attorney, explained that the Mayor has the authority to appoint himself as Chair; if there is sentiment to prevent him from doing that, all that is needed is to say that he may serve as one of the three members but may not be a Chair. This is a policy decision.

Mayor Levine explained that his objective is to get the right person as Chair and get things done. Discussion continued.

Vice-Mayor Weithorn stated that they all agree moving things forward, and suggested a compromise and revisit this item in a year from now. There was consensus to revisit the item in one year.

#### Handouts and Reference Materials:

1. E-mail from Frank Del Vecchio to Jose Smith, City Attorney, dated December 5, 2013, Subject: Recommendation to allow telephone or video conferencing to satisfy quorum requirement for City Commission Committee meetings.

10:51:01 a.m.

**SUPPLEMENTAL MATERIAL 1 – Memorandum and Resolution**

~~C7AA A Resolution Authorizing The City Manager To Decline, In Writing, The Right Of First Offer Transaction, As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease (“Ground Lease”) Between City Of Miami Beach, Florida (“Owner”) And Pelican Investment Holdings, LLC (“Tenant”), Dated As Of December 1, 1999, Involving The Improvements To Property Located At 1027 Collins Avenue, Miami Beach, Florida And 1041 Collins Avenue, Miami Beach, Florida (Collectively The “Project”); Further Approving The Sale Of The Project To The Proposed Purchaser, Jones Lang Lasalle Income Property Trust, Inc., Upon Satisfactory Completion Of The City's Due Diligence In Connection With Said Proposed Sale; And Authorizing The City Manager And City Clerk To Execute Any And All Closing Documents On Behalf Of The City.~~

C7AA A Resolution Authorizing The City Manager To Decline, In Writing, The Right Of First Offer Transaction, As Required Pursuant To The Terms Of Section 36.2 Of The Agreement Of Lease (“Lease”) Between The City (“Owner”) And Pelican Investment Holdings, LLC (“Tenant”), Dated As Of December 1, 1999, Involving The Improvements To Property (The “Project”) Located At 1027 Collins Avenue, Miami Beach, Florida, And 1041 Collins Avenue, Miami Beach, Florida; And Further Approving Tenant's Sale Of The Project To The Proposed Purchaser, LIPT Collins Avenue, LLC, A Delaware Limited Liability Corporation, Which Is A Wholly Owned Subsidiary Of Jones Lang Lasalle Income Property Trust, Inc., Subject To And Conditioned Upon City Staff's Successful Completion Of Its Evaluation Of The Proposed Purchaser In Accordance With Article 10 Of The Lease (The “City's Due Diligence”); Payment To The City Of Its Reasonable Costs Incurred In Connection With The Proposed Sale Including, Without Limitation, Reimbursement Of The City's Due Diligence Costs; And Payment To The City Of The “Settlement Offer” (As Such Term Is Hereinafter Defined In This Resolution); And Further Authorizing The City Manager And City Clerk To Execute Any And All Closing Documents On Behalf Of The City In Connection With The Proposed Sale.

(Tourism, Culture & Economic Development Department)

**(Memorandum to be Submitted in Supplemental)**

**ACTION:** Item separated for discussion by Commissioner Tobin. **Resolution 2013-28438 adopted, as corrected.** (See below corrections)

**MOTION No. 1:**

Motion made by Commissioner Wolfson to decline the first right of refusal and approve the resolution; seconded by Vice-Mayor Weithorn; Voice vote; 5-1; Opposed: Commissioner Tobin; Absent: Commissioner Malakoff. **Max Sklar to handle.**

**MOTION No. 2:**

Motion made by Vice-Mayor Weithorn; seconded by Mayor Levine to approve the sale. Voice-vote: 5-1; Opposed: Commissioner Tobin; Absent: Commissioner Malakoff. **Max Sklar to handle.**

Commissioner Tobin stated that he pulled the item for clarification. The City owns the property, and is currently leasing the garage. That lease expires in 2041 and then there is a two-year renewal; so the property is tied up until 2051. The City gets a very nominal rent on the property. The City also has to pay a settlement for disputes from years ago. The amount received is \$50,000 per year for rent. There is an institutional buyer that is interested in buying out the lease, and there is an opportunity now with an option to exercise a first right of refusal, and they have



two weeks to make a decision. He believes the City should own its parking garages, and he requested more time to decide and discuss with real estate consultants.

Jimmy L. Morales, City Manager, explained the item. This was a bad deal done 20 years ago, and unfortunately, the Administration was not noticed of its first refusal option until October 29, 2013, and there has been no Commission Meeting since that date. The City Commission has until December 26 to exercise its options.

Raul Aguila, Chief Deputy City Attorney, explained that, unfortunately, under the terms of the ground lease, the City has a certain limited period of time within which to exercise the right, and if they do exercise, it has to be done upon the same terms and conditions as the proposed purchaser is purchasing the garage. The actual deadline to respond is December 13, 2013, which is this Friday. The offer noticed was sent on October 29, and ordinarily they would have 45 days from then. This was extended to the first regular City Commission until then. Staff has done an analysis of the proposed purchasing and they are not recommending that the City exercise this right of first refusal.

Max Sklar, Tourism, Culture and Economic Development Director, stated that the garage, at their current operating rates, generates yearly revenue per space of \$6,865.00. Other City garages by comparison have a much lower rate - the 7<sup>th</sup> Street garage operates at \$3,353 per space; 16<sup>th</sup> Street garage is probably the highest one at \$3,882 per space. In looking at those numbers, it would take more than 14 years, without operating expenses, to recuperate the City's costs.

Raul Aguila, Chief Deputy City Attorney, added that upon the execution of the lease, including the option, which is January 31, 2051; the property reverts to the City.

Mayor Levine stated that what Commissioner Tobin pointed out is very important, and he feels that going forward the City Commission should be looking at every one of these deals, making sure there is an opportunity for the City to buy or lease and reap economic benefits to the City; they need more advanced notice.

Commissioner Tobin stated that based on the cap they can make money, but the government does not necessarily need to make money – government is not a moneymaking enterprise. If they charge substantial higher rates for parking, and the City would buy the deal, then they can offer residents parking at regular discounted rates.

Alex Tachmes, Esq., stated that the broker on this deal is HFF based in Coral Gables. He clarified, for the record, that the price can go up maybe 10%, up or down, according to the closing costs.

Motion made by Commissioner Wolfson to decline the first right of refusal following the City Manager's recommendation; seconded by Vice-Mayor Weithorn. Voice-vote: 5-1; Opposed: Commissioner Tobin; Absent: Commissioner Malakoff.

Jose Smith, City Attorney, for the record, stated that the City is going to realize \$250,000 in this transaction. He added that the garage started as a losing proposition for the City, and the idea was not to make money from the garage, but to provide parking for those individuals that go to Collins Avenue. He was a Commissioner at that time, and that was the intent.

Max Sklar, Tourism, Culture and Economic Development Director, asked if the motion was only to reject the first right of refusal, as they also need a motion to approve the sale.

Motion made by Vice-Mayor Weithorn; seconded by Mayor Levine to approve the sale. Voice-vote: 5-1; Opposed: Commissioner Tobin; Absent: Commissioner Malakoff.

Alex Tachmes, Esq., expressed his gratitude to the Administration and City Attorney for working out the \$250,000 settlement.

**City Clerk's Note: Corrections**

- Page 523 - Reference to the Proposed Purchaser in the Commission Memorandum and Resolution should be amended from "Jones Lang LaSalle Income Property Trust, Inc." to "LIPT Collins Avenue, LLC, A Delaware limited liability corporation that is a wholly owned subsidiary of Jones Lang LaSalle Income Property Trust, Inc."
- The \$250,000 settlement payment will be paid by the current lessee and not the proposed purchaser.

**City Clerk's Note:**

Resolution 2013-28438 approved at the 12/11/13 Commission Meeting. There was a Special Commission Meeting called on 12/13/13 to reconsider action. No motion to reconsider was made, and the original action to approve the sale and decline the first right of first offer remains.

Handouts and Reference Materials:

1. E-mail from Raul Aguila dated December 10, 2013 at 5:55 PM to Rafael Granado, RE: Pelican Garage, Agenda Item C7AA.

**ADDENDUM MATERIAL 2**

C7BB A Resolution Appointing Mayor Philip Levine To Participate As A Voting Member Of The Metropolitan Planning Organization For Miami-Dade County, Florida And To Represent The City Of Miami Beach And Serve In This Appointed Capacity.

(City Attorney's Office)

**ACTION: Resolution 2013-28439 adopted. City Attorney's Office to handle.**

**10:08:35 a.m.**

**ADDENDUM MATERIAL 3**

C7CC A Resolution Amending The Times For The Dr. Stanley Sutnick Citizens' Forum From 12:30 p.m. To 1:00 p.m. And From 5:30 p.m. To 6:00 p.m. To ~~9:00~~ 8:30 a.m. To ~~9:30~~ 9:00 a.m. And From 1:00 ~~4:30~~ p.m. To ~~2:00~~ 1:30 p.m. During City Commission Meetings.

(Requested by Mayor Philip Levine)

(Legislative Tracking: City Attorney's Office)

**ACTION: Resolution 2013-28440 adopted as amended.** Item separated by Vice-Mayor Weithorn. Motion made by Vice-Mayor Weithorn; seconded by Commissioner Grieco to change the Sutnick Hour to two sessions as follows: Morning Session: 8:30 a.m. to 9:00 a.m. and Afternoon Session: 1:00 p.m. to 1:30 p.m.; Voice-vote: 6-0; Absent: Commissioner Malakoff. **Rafael E. Granado and Lilia Cardillo to handle.**

Vice-Mayor Weithorn introduced the item.

Mayor Levine suggested a lunch recess from 12:00 Noon to 1:00 p.m., and holding the Dr. Stanley Sutnick Citizens' Forum as follows: Morning Session from 8:30 a.m. to 9:00 a.m., and the Afternoon Session from 1:00 p.m. to 1:30 p.m.

Discussion continued.

## **End of Consent Agenda**

### **REGULAR AGENDA**

#### **R5 - Ordinances**

**10:49:25 a.m.**

R5A Accessory Setback Encroachments

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplementary District Regulations," Section 142-1132 To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section 142-1133 To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date.

**10:45 a.m. Second Reading Public Hearing**

(Sponsored by the Land Use & Development Committee)

(Legislative Tracking: Planning Department)

(Continued from October 16, 2013)

**ACTION:** Title of the ordinance read into the record. Public Hearing held. **Item opened and continued to the January 15, 2014 at 10:35 a.m.** Motion made by Vice-Mayor Weithorn to open and continue the item until January 15, 2014; seconded by Mayor Levine; Voice vote: 6-0; Absent: Commissioner Malakoff. **Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. Richard Lorber to handle.**

Jimmy L. Morales, City Manager, stated that the Administration continued to recommend approval but suggested to open and continue the item to give the new member of the City Commission an opportunity to get acquainted with the issue.

Handouts or Reference Materials:

1. Ballot vote

**11:01:01 a.m.****R5B Alton Road Historic District Buffer Overlay**

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date. **11:15 a.m. First Reading Public Hearing**

(Sponsored by the Land Use & Development Committee)

(Legislative Tracking: Planning Department)

(Continued from October 16, 2013)

**ACTION:** Title of the ordinance read into the record. Public Hearing held. **Item opened and continued to January 15, 2014 at 11:15 p.m.** Motion made by Commissioner Wolfson to open and continue the item to the January 15, 2014; seconded by Mayor Levine; Ballot vote: 6-0; Absent: Commissioner Malakoff. **Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. Richard Lorber to handle.**

Jeff Donnelly requested a time certain of 5:00 p.m.

Mayor Levine stated that this is an item that will have a great deal of discussion and it makes better sense to hear it in the morning rather than at the end of the day. He asked who schedules this.

Rafael E. Granado, City Clerk, stated that the City Manager and the Mayor discuss the scheduling of the time certain items.

Discussion held.

Vice-Mayor Weithorn stated that since this is a new Commission, they need to hear history on the item. She suggested that the public can speak at around 5:00 p.m. but the discussion could start at 4:30 p.m. This will give staff time to present it and for the City Commission to ask questions. She recommends a time certain of 4:30 p.m.

**TO DO:** City Manager to provide a time certain on this item. **City Manager, Rafael E. Granado and Lilia Cardillo to handle.**

Handouts or Reference Materials:

1. Ballot vote

**11:16:11 a.m.**

R5C An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 62, Entitled "Human Relations," By Amending Article II, Entitled "Discrimination," By Amending Division 1, Entitled "Generally," By Amending Sec. 62.31 Entitled "Definitions" To Define Intersexuality And Add That Term As A Protected Classification Category; To Amend Sections 62-33 Entitled "Purpose; Declaration Of Policy," 62-37(b) Entitled "Duties And Powers," 62-88.1 Entitled "Discrimination In Public Services," 62-90 Entitled "Use Of Municipal Facilities," 62-91 Entitled "Municipal Funds," And 62-112(c) Entitled "Housing" To Include Intersexuality As A Protected Classification Category; And Providing For Severability, Codification And An Effective Date. **11:15 a.m. Second Reading Public Hearing**

(Sponsored by Former Mayor Matti Herrera Bower)

(Legislative Tracking: City Attorney's Office)

(First Reading on October 16, 2013)

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3828 adopted.** Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Commissioner Steinberg; Ballot vote: 6-0; Absent: Commissioner Malakoff. **City Attorney's Office and Carla Gomez to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 849
2. Ballot vote

**11:32:45 a.m.**

R5D GSAF Classified Salary Ordinance

An Ordinance Amending Ordinance No. 789, The Classified Employees Salary Ordinance Of The City Of Miami Beach, Florida, As Follows: Providing For The Classifications In Group V, Represented By The Government Supervisors Association Of Florida, OPEIU, Local 100 (GSAF), In Accordance With The Negotiated Collective Bargaining Agreement; Effective The First Pay Period Ending In October Of 2014, There Shall Be An Across The Board Cost-Of-Living Adjustment (COLA) Of Three Percent (3%), And The Minimum And Maximum Of Each Pay Range Will Also Be Increased By Three Percent (3%); Repealing All Ordinances In Conflict; Providing For Severability, An Effective Date And Codification. **11:30 a.m. Second Reading Public Hearing**

(Sponsored by Vice-Mayor Deede Weithorn)

(Legislative Tracking: Human Resources)

(First Reading on October 16, 2013)

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3829 adopted.** Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Commissioner Wolfson; Ballot vote: 6-0; Absent: Commissioner Malakoff. **Sylvia Crespo-Tabak to handle.**

Kathie G. Brooks, Assistant City Manager, introduced the item. This item amends the classified salary ordinance for the Government Supervisors Union, and implements the last component of the three-year labor contract that was ratified earlier this year. It provides for a 3% COLA to all of their Classifications effective October 1, 2014, including adjusting the Maximum and Minimum for each pay range by 3%. This is only their second COLA in a six-year period, and in their contract it was offset by reducing overtime through adherence to the Fair Labor Standards Act, and by

elimination of the two-year buy back provision on pension.

Vice-Mayor Weithorn stated that this is the smallest of the four unions and to be fair she urged the City Commission to pass this item.

In response to Commissioner Wolfson's question, Ms. Brooks explained that these individuals are the first tier supervisors in non-sworn positions (not Police Officers or Firefighters).

Vice-Mayor Weithorn added that this is only the second COLA increase in six years.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 849
2. Ballot vote

**9:20:44 a.m.**

R5E An Ordinance Amending Chapter 42 Of The Miami Beach City Code, Entitled "Emergency Services," By Amending Article II Thereof, Entitled "Alarm Systems," By Amending Section 42-86, Entitled "False Alarms," To Prohibit Three (3) Or More False Intrusion Alarms; By Amending Section 42-89 Entitled "Notification Of False Alarms," Which Shall Be Entitled "Enforcement," And Sets Forth The Enforcement Authority Of The Miami Beach Police Department And The Issuance Of A Notice Of Violation For Section 42-86; By Amending Section 42-90 Entitled "Initial Review Upon Notification," Which Shall Be Entitled "Rights Of Violators; Payment Of Fine; Right To Appear; Failure To Pay Civil Fine Or To Appeal," And Specifically Delineates The Rights Of Violators, Payment Of Fine, Right To Appear, And Failure To Pay The Civil Fine Or Appeal; By Amending Section 42-91 Entitled "Appeal Of False Alarm Designation," Which Shall Be Entitled "Penalties," By Providing For Penalties Regarding A False Intrusion Alarm; By Deleting Section 42-92 Entitled "Penalty For Violation Of Division"; Providing For Repealer, Codification, Severability, And An Effective Date. **First Reading**

(Sponsored by the Finance & Citywide Projects Committee)

(Legislative Tracking: Police Department)

(Item not reached on October 16, 2013)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Pursuant to Section 2-13 of the Code, motion accepting the Finance and Citywide Projects Committee's recommendation of this Ordinance made by Vice-Mayor Weithorn; seconded by Commissioner Tobin; Voice vote 6-0; Absent: Commissioner Malakoff.

Motion made by Commissioner Wolfson to approve the ordinance; seconded by Commissioner Grieco; Ballot vote: 6-0; Absent Commissioner Malakoff. Second reading and Public Hearing scheduled for January 15, 2014. **Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. Chief Martinez to handle.**

Police Chief Martinez explained the item, which is bringing the alarm ordinance up to date in compliance with and similar to Miami-Dade County's Ordinance. The goal is to contract out the management of alarms, billing and collection of fines. They will go out to RFP for companies to bid on that contract.

Discussion held.

Jose Smith, City Attorney, explained that unlike the existing ordinance, where the enforcement is done through the Police Department, this new ordinance will be enforced by a Special Master, where a violation will be issued through Code, and if there is a finding of guilt, there will be an order that could become a lien on the property.

Handouts or Reference Materials:

1. Ballot vote
2. Motion accepting the FCWPC's recommendations

R5F An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 106, Entitled "Traffic And Vehicles," By Amending Article XI, Entitled "Adoption Of The Mark Wandall Traffic Safety Act And Program," By Amending Section 106-480, Entitled "Adoption Of State Act And Program," That Delineates The Statutory Authority For Using Traffic Infraction Detectors In The City Of Miami Beach; By Amending Sections 106-481 Through 106-484, Entitled "Reserved" By Adding Section 106-481, Entitled "Local Hearing Officer," Which Authorizes A Local Hearing Officer To Conduct Hearings For A Violation Of Section 316.0083 Of The Florida Statutes; By Providing The Process For The Selection Of A Local Hearing Officer; By Authorizing The Miami Beach Clerk's Office To Serve As Staff For The Local Hearing Officer; By Limiting The Authority Of The Local Hearing Officer; And Setting Forth Penalties And Costs To Be Imposed By The Local Hearing Officer; Providing For Codification; Severability; Repealer; And An Effective Date.  
**First Reading**

(Sponsored by Finance & Citywide Projects Committee)  
(Legislative Tracking: Police)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Pursuant to Section 2-13 of the Code, motion accepting the Finance and Citywide Projects Committee's recommendation of this Ordinance made by Vice-Mayor Tobin; seconded by Commissioner Grieco; Voice vote 6-0; Absent: Commissioner Malakoff.

Motion made by Vice-Mayor Weithorn to approve the ordinance; seconded by Commissioner Tobin; Ballot vote: 6-0; Absent Commissioner Malakoff. Second reading and Public Hearing scheduled for **January 15, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. City Attorney's Office and Rafael E. Granado to handle.**

Jimmy L. Morales, City Manager, introduced the item.

Discussion held regarding Special Master hourly fee. Commissioner Tobin stated that in "downtown," the Special Masters that hear traffic cases earn \$30.00 an hour, so he asked the Administration to follow this same principle.

Jose Smith, City Attorney, explained that this will be outside of the Special Master system, and a Special Traffic Magistrate will deal with the matter. The City Manager and the City Attorney will negotiate the fee appropriately.

Handouts or Reference Materials:

1. Ballot vote
2. Motion accepting the FCWPC's recommendations

**4:32:28 p.m.**

R5G An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including December 31, 2014; Providing For Repealer; Severability; Codification; And An Effective Date. **First Reading**  
(Sponsored by the Neighborhood/Community Affairs Committee)  
(Legislative Tracking: Parks & Recreation)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading as amended.** Pursuant to Section 2-13 of the Code, motion made by Vice-Mayor Weithorn to partially accept the Neighborhood/Community Affairs Committee's recommendation of this Ordinance; seconded by Commissioner Tobin; Voice vote 6-0; Absent: Commissioner Malakoff.

Motion made by Vice-Mayor Weithorn to leave the off-leash dog area at the lighthouse location for the next 120 days; during those 120 days, the Administration will bring to the Design Review Board a hedge at an alternate location with applicable seating, and bring it back to the City Commission; seconded by Mayor Levine. Ballot vote: 6-0; Absent: Commissioner Malakoff. **Second reading and Public Hearing scheduled for January 15, 2014. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. Jon Rebar to handle.**

**TO DO:**

City Administration to present application to the Design Review Board.

Jimmy L. Morales stated that he tried to avoid any controversial items for the first meeting. However, in this case, this item is a pilot program that expires on December 31, 2013, so he had to bring forth the item today.

John Rebar, Parks and Recreation Department, introduced the item, and provided a history of the off-leash dog area at South Pointe Park.

Commissioner Grieco stated that he is former member of the South of Fifth Neighborhood Association, and that he submitted his resignation upon his election. Commissioner Grieco stated that he has a four-year-old son, but also has a dog. He added that he is at the park almost every morning. It is not a perfect situation, but it has worked very well – it has been successful. There are ways to fine-tune it, however. There has been discussion in the past few months regarding adding a hedge or other sort of natural boundary to the off-leash area. His position is that the off-leash dog area should stay where it is, there should be no hedge because it does not fall in line with the design of the park or the art. He agrees though, that something needs to be done to contain the dogs. There has not been any major issue in the off-leash area that he is aware. There are some issues with the dog owners seating on the benches on the walkway, which attracts the dogs to go to that area. He believes that there should be benches added on the walkway that runs along the cut, which runs in the area. The addition of those new benches, which must be ADA compatible, will further encourage the owners not to sit along the walkway.

Gerald Posner, from SOFNA, spoke in favor of the area.

Jonathan Groff, Chairman of the Parks and Recreational Facilities Board, spoke in opposition to the proposal.



**4:45:51 p.m.**

Bonnie Stewart, Aide to Commissioner Malakoff, read a statement of support from Commissioner Joy Malakoff into the record. The Commissioner is “very much in support of extending the pilot program, and in consideration of alternative location of the off-leash dog area for South Pointe Park.”

The following individuals spoke:

Larry Wineman spoke  
Patricia Fuller spoke  
Ruth Remington spoke  
Joyce Garrett spoke

Discussion held.

Jose Smith, City Attorney, stated that the Design Review Board approved the placement of the hedge and there is currently an appeal by Ms. Fuller of the Design Review Order, which will be heard in January 15, 2015.

Discussion continued.

Commissioner Tobin stated that he was taken aback when he first heard people come up and say that the artists did not like that the City was placing an off-leash dog area on the site of his sculpture. Commissioner Tobin thought - we paid the artist and the artist further applied to do our Gate, which is going to happen, so the artist cannot be too upset. Recently, he was speaking to an art enthusiast and an art curator, and Commissioner Tobin explained to them the dilemma the City was facing over the lighthouse sculpture in South Pointe Park that was created by Tobias Rehberger. The curator enlighten Commissioner Tobin to what he did not fully appreciate because he is not as in tune to this particular subject matter. Commissioner Tobin now sees the arguments that have been made in the past a little different. When you look at it from the artist's point of view, and art in general, and that is why they have the Arts in Public Places Committee, because there are nuances to the investments that we make in art and there is a certain international art community – and he now believes that it is not a good idea to have dogs near the Tobias Rehberger sculpture because of many things. If you talk to those in the art world, the fact is that somebody that knows about art would laugh that “us country bumpkins” want to have a dog park next to a Tobias Rehberger statute. Commissioner Tobin is in agreement with having an off-leash area, he does not think it should be near the sculpture, and he believes the location and the vistas of the park will not be impacted if there is a hedge surrounding the off-leash area. He is agreement with the off-leash area, he has a dog as well; he would like the location moved; and he would like to see a small nondescript shrubbery surrounding the off-leash area to curtain it off.

Commissioner Wolfson stated that the history goes back to the BODR of the park where they were promised an off-leash dog area. The two interests that you have are competing – 1) the folks that were promised an off-leash dog area; and 2) safety. You cannot make each side totally happy. You must compromise. The only way to do this is to provide an off-leash dog area; and provide for the safety by containing it off to a degree. You cannot go completely one way or the other – if you do, you are not doing the right thing. The best compromise is to provide for an off-leash area with shrubbery, which will protect people who do not want to be near dogs that are not on a leash.

Mayor Levine offered a compromise. He suggested to the dog owners that there may be a possibility that we have to relocate the off-leash dog area within the park, but on the same token, we are now going to create a dog beach area from 4:00 p.m. to 7:00 p.m., that is completely separate, so everyone is winning. The current off-leash area, with the sculpture, is not the correct place for the off-leash dog area. The Mayor added that we may have to keep it in the current location for a little while, but our objective is to move it, but at the same time model against what the City of Hollywood is doing and offer a new amenity to our residents who want to bring their dogs to the beach at a certain time.

Mayor Levine, in answering a question from Commissioner Wolfson, responded that he was in support of having a hedge.

Mayor Levine explained the concept of the dog beach. He clarified that it is not the entire beach. An area that is least populated could be selected, it can be in Mid, North or wherever, and it is only for a few hours at the end of the day, during a time during the week when people are not using the beach.

Commissioner Wolfson stated that he recalls the City previously trying to create a dog beach, and it requires a waiver from the County. Mayor Levine stated that we would work on that. Mayor Levine believes that the City can obtain the waiver, and thereby solve everyone's issue.

Vice-Mayor Weithorn stated that she did have an incident at South Pointe Park. We have said repeatedly that we have to provide benches and seating wherever we have the dog park. Because if we do not, people will tend to use a non-designated area, which is what is happening now because we do not have benches. If people are going to bring their dogs to South Pointe Park for an hour, they are not going to stand; and dogs do follow their owners. We must direct the Parks and Recreation Department to that if they are going to place a hedge, the hedge is not going to do work if there is no seating that is relatively close to the off-leash area. If we put the benches in the right place, and place the hedge in between, we would have an absolute barrier and it would work very well.

**5:01:09 p.m.**

Motion by Commissioner Grieco to extend the off-leash program for one year at the current location, with direction to the City staff to look at alternative locations in the future. No second offer.

Commissioner Wolfson inquired of the City Attorney if the hedge comes up in terms of the DRB appeal? Mr. Smith responded that the DRB approved the placement of a hedge; there is currently an appeal by Ms. Fuller of that DRB order, which will be heard in January 2014.

Commissioner Wolfson stated that he wants a commitment that there will be a hedge.

Discussion continued.

Commissioner Wolfson inquired if the City wants to place a hedge, irrespective of the location in South Pointe Park, does the matter have to go before DRB? The response from the City Attorney was in the affirmative.

Commissioner Tobin stated that the win-win- proposal would be seating within the hedge, not near the art.

**5:03:11 p.m.**

**Motion No. 2:**

**Motion made by Vice-Mayor Weithorn that for the next 120 days leave the off-leash dog area at the lighthouse location; during the 120 days, the Administration will bring to the Design Review Board a hedge at an alternative location with applicable seating at the alternate location and bring it back to the City Commission; seconded by Mayor Levine.**

Vice-Mayor Weithorn commented that we are going to extend the program, not stop it. It gives us time to clean it up, it gives us time for the potential appeal to be heard, it lets us do what we need to do without rushing to judgment, and ultimately see if we can build on consensus.

City Manager Morales inquired that if turns out that in 120 days the decision is to relocate the off-leash dog area to the site behind the Apogee, that is going to require soil remediation; otherwise the hedge is going to die. Therefore, the hedge will not be up immediately. Vice-Mayor Weithorn explained that is why she proposed 120 days, because if the Manager comes to us at the January 2014 meeting and says that it has to be a little longer, then the Commission can take the appropriate action. She wants the sentiment to be known as to where the Commission is going, so this item does not just sit there.

Commissioner Tobin asked the Mayor if the City should make the application to the Design Review Board now. The answer from the Mayor and Vice-Mayor Weithorn was "yes."

**Handouts or Reference Materials:**

1. Ballot vote
2. Motion accepting the NCAC's recommendations
3. E-mail from [sofna@sofna.net](mailto:sofna@sofna.net) dated December 9, 2013 RE: Upcoming Neighborhood Issues before the Miami Beach Commission.

**R5H Single Family Development Regulations**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Division 2, "RS-1, RS-2, RS-3, RS-4 Single-Family Residential Districts," By Amending The Criteria And Procedures For The Review And Approval Of Single-Family Residential Construction, By Replacing The Single-Family Residential Review Panel, By Clarifying And Amending The Standards And Procures For Reviewing New Construction And Additions In Single Family Districts, Including Modifications To Lot Coverage, Unit Size And Overall Height, By Clarifying The Below Flood Level Construction Requirements For Affected Properties In High Flood Zones, And By Clarifying Setback And Lot Coverage Requirements; Providing Codification; Repealer; Severability; And An Effective Date. **First Reading**

(Sponsored by the Planning Board)

(Legislative Tracking: Planning Department)

**ACTION:** Title of the ordinance read into the record. Motion made by Vice-Mayor Weithorn; seconded by Commissioner Tobin to open and continue the item to **January 15, 2014 Commission Meeting**. Voice vote: 6-0; Absent Commissioner Malakoff. **Lilia Cardillo to place on the Commission Agenda when received. Richard Lorber to handle.**

Commissioner Wolfson asked Legal if this gets carried over to the next meeting without getting noticed, and he wonders for some people who did not make the meeting and do not know that the item was opened and continued today, may be these could be noticed again. His preference is to re-notice, even if the item is opened and continued.

Gary Held, First Assistant City Attorney, stated that this is a citywide ordinance, and is only publication. The title can be included in the published notices for the January meeting, and he does not see a problem with that.

**TO DO:** There was consensus that this is a good policy, and that all opened and continued items should be re-noticed. **Rafael E. Granado and Lilia Cardillo to handle.**

Motion made by Vice-Mayor Weithorn; seconded by Commissioner Tobin to open and continue the item to January 15, 2014.

Handouts or Reference Materials:

1. Ballot vote

R5I Architecturally Significant Single Family Home Retention Incentives  
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 2, "Single-Family Residential Districts," By Revising The Standards And Review Requirements For New Construction, Additions And Modifications To Properties That Contain An Architecturally Significant Single Family Home Not Located Within A Designated Historic District; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading**

(Sponsored by the Land Use & Development Committee)  
(Legislative Tracking: Planning Department)

**ACTION:** Title of the ordinance read into the record. **Item opened and continued.** Motion made by Vice-Mayor Weithorn to open and continue the item to the **January 15, 2014** Commission Agenda; seconded by Commissioner Grieco; Voice vote: 6-0; Absent Commissioner Malakoff. **Lilia Cardillo to place on the Commission Agenda when received. Richard Lorber to handle.**

Handouts or Reference Materials:

1. Ballot vote

**11:04:11 a.m.****R5J Temporary Business Signs on Public Property**

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 82, "Public Property," Article IV, "Uses In Public Rights-Of-Way," Division 6, "Prohibited Signs Over Public Property," Section 82-411, "Prohibited Signs Generally; Exemptions; Banners; Removal," To Permit The Placement Of Temporary Business Signs On City Rights-Of-Way During Public Construction Projects; Providing For Codification; Repealer; Severability And An Effective Date. **First Reading**

(Sponsored by the Land Use & Development Committee)

(Legislative Tracking: Planning Department)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Pursuant to Section 2-13 of the Code, Motion accepting the Land Use and Development Committee's recommendation of this Ordinance made by Commissioner Wolfson: seconded by Commissioner Grieco; Voice vote 6-0; Absent: Commissioner Malakoff.

Motion made by Commissioner Steinberg to approve the ordinance; seconded by Mayor Levine; Ballot vote: 6-0; Absent Commissioner Malakoff. Second reading and Public Hearing scheduled for January 15, 2014. **Lilia Cardillo to place on the Commission Agenda when received. Richard Lorber to handle.**

Richard Lorber, Planning Director, introduced the item. This is an amendment of the sign regulations over public property. What this Ordinance does is if you see the Alton Road Construction, you have these blue signs that are placed to alert drivers of the businesses that have construction in front of their premises. This extends the same programs to local streets when there is public construction project, in order to help the businesses.

Handouts or Reference Materials:

1. Ballot vote
2. Motion accepting the LUDC's recommendations

### **R7 – Resolutions**

**10:03:05 a.m.****10:06:12 a.m.**

**R7A A Resolution Setting The Dates For The Year 2014 City Commission Meetings; And Further Accepting The Mayor's Recommendation, As Set Forth In The Proposed Meeting Schedule Attached As Exhibit "A" To This Resolution, That The City Commission Conduct And Hear The Presentations And Awards Portion Of The City Commission Meetings On A Separate Meeting Date, Which Would Be The Alternate Meeting Dates Set Forth In Exhibit "A" Hereto. **Joint City Commission & Redevelopment Agency****

(City Clerk's Office)

**ACTION: Resolution 2013-28441 adopted as amended.** Item heard in conjunction with item RDA 1A. See action with RDA 1A.

Motion made by Commissioner Tobin to:

- Adopt the January 15, 2014 Commission Meeting date;

- Adopt the January 22, 2014 Alternate Commission Meeting Date;
- Set a 15-minute Committee of the Whole on the January 15 Meeting to discuss the remainder dates for 2014;
- Finalize the remaining dates at the January 15, 2014 Commission Meeting.

Motion seconded by Vice-Mayor Weithorn. Voice-vote: 6-0; Absent: Commissioner Malakoff. Lilia Cardillo to place on the January 15, 2014 Commission Agenda if received. **Rafael E. Granado to handle.**

**TO DO:** Commissioners to send Administration the conflicting dates in advance. **Rafael E. Granado, Marcia Monserrat and Lilia Cardillo to handle.**

**11:09:24 a.m.**

R7B A Resolution Adopting The First Amendment To The Capital Budget For Fiscal Year (FY) 2013/14. **10:15 a.m. Public Hearing**  
(Budget & Performance Improvement)

**ACTION: Resolution No. 2013-28442 adopted as amended.** Motion made by Vice-Mayor Weithorn to move the First Amendment to the Capital Budget, excluding the Par 3 Golf Course, and setting a public hearing to amend the Capital Budget in January to include the Par 3 Golf Course; seconded by Mayor Levine; Voice vote: 6-0; Absent: Commissioner Malakoff. **John Woodruff to handle.**

**TO DO:**

- Quarterly update on the Police Department overtime usage.
- Exclude Par 3 Golf Course and set a public hearing in January to amend the Capital Budget to include the Par 3 Golf Course.

John Woodruff, Budget Director, introduced the item.

Vice-Mayor Weithorn stated that she has no problem excluding the Par 3 Golf Course, but she has concerns with the Police Department overtime budget. She requested that this be reported on a regular basis, and she still has not seen it. She wants to see the report before the new year and then after the new year. She asked that this be monitored. She wants to deal with budget problems, if any, early. **John Woodruff to handle.**

John Woodruff, Budget Director, stated that he is aware of her request and the reason the numbers have not been provided is that the Finance and Citywide Projects Committee has not met recently. As soon as appointments are made to the Committee and meetings scheduled, they will provide that information. They will have additional information on the quarterly reports that compares budget to actual. Mr. Woodruff passed out the preliminary information, which shows that the large departments, including Police and Fire, are under budget when it comes to overtime. The Finance Department has had individual meetings with representatives from both the Police and Fire Departments, and these Departments are aware that they are keeping an eye on these costs.

Commissioner Tobin stated that the Police Department has a significant overtime problem. The issue that needs to be addressed is why so much overtime. He stated that there is a 62% show up for work, and it used to be 68%. The industry standard is 80%. It is great to look at the

numbers, but this problem is significant and it has been going on for eight or nine years.

Mayor Levine stated this would be addressed.

Discussion held.

Jimmy L. Morales, City Manager, stated that they are looking at the causes for a 62% show up for work.

Discussion continued.

Vice-Mayor Weithorn stated that this is the first time she sees the overtime in Police being within budget, and she hopes that it is the Commission's scrutiny that is helping. Vice-Mayor Weithorn stated that Commissioner Tobin is correct when saying we need to understand the underlying causes of the overtime.

**Motion made by Vice-Mayor Weithorn to approve the Capital Budget amendment, excluding the Par 3 Golf Course.**

**11:15:37 a.m.**

Kathie G. Brooks, Assistant City Manager, stated since we are excluding this item and moving it to January, we need to set a public hearing to amend the Capital Budget at that time, including the Par 3 Golf Course. **Vice-Mayor Weithorn included this in her motion.**

Motion seconded by Mayor Levine and a voice vote was called.

Handouts and Reference Materials:

1. FY 2013/14 Year-To-Date Overtime Analysis (Oct-Nov 2013)

**11:52:03 a.m.**

- R7C A Resolution Setting Forth An Order [Granting Or Denying] An Appeal Request Filed By Patricia Fuller, Pertaining To A Decision Of The Design Review Board ("DRB") For The Property Located At 1 Washington Avenue – South Pointe Park (File No. 22977). **11:45 a.m. Public Hearing**  
(Parks & Recreation/City Attorney's Office)

**ACTION: Public Hearing held. Item opened and continued.** Motion made by Commissioner Grieco to open and continue the item to the January 15, 2014 Commission Meeting at 11:45 a.m.; seconded by Vice-Mayor Weithorn; Voice vote: 6-0; Absent: Commissioner Malakoff. **Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda if received. John Rebar and the City Attorney's Office to handle.**

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 845

**11:07:13 a.m.**

- R7D A Resolution Consenting To The Appointment Of Ariel Sosa As The Acting Director Of The Information Technology Department For The City Of Miami Beach.  
(Human Resources)

**ACTION: Resolution No. 2013-28443 adopted.** Motion made by Vice-Mayor Weithorn; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Malakoff. **Sylvia Crespo-Tabak to handle.**

Jimmy L. Morales, City Manager, introduced the item. Mr. Morales explained that there have been recent changes in the Information Technology Department and Mr. Sosa is extremely responsive and service oriented.

Mayor Levine says that he has discussed this item, and has heard very positive things about Ariel Sosa.

**11:07:58 a.m.**

- R7E A Resolution Accepting The Recommendation Of The Finance And Citywide Projects Committee And Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 1 To The Lease Between The City And Massage Partners, Inc. ("Tenant"), Dated September 15, 2010, For The Premises Located At 1701 Meridian Avenue, Unit 2 (A/K/A 767 17th Street), Miami Beach, Florida; Said Amendment To The Lease Concerning: 1) The Additional Use Of The Leased Premises As A Nail Salon; 2) The Non-Exclusive, Revocable Use Of The Common Area Restrooms Located On The Second Floor Of The 1701 Meridian Avenue Office Building For Tenant's Nail Salon Customers; And 3) The Rental Rate To Be Paid By Tenant For The Use Of Said Common Area Restrooms.

(Tourism, Culture & Economic Development)  
(Item not reached on October 16, 2013)

**ACTION: Resolution No. 2013-28444 adopted.** Motion made by Vice-Mayor Weithorn to approve the item; seconded by Mayor Levine; Voice vote: 6-0; Absent: Commissioner Malakoff. **Max Sklar to handle.**

Vice-Mayor Weithorn provided history on the item, as it had been heard extensively in the Finance and Citywide Projects Committee. At Committee, there was much discussion about having restrooms, proper access to the restroom and proper security when visiting the restroom. The members of the Finance Committee came up with a compromise that met the City's needs and the tenant's needs. This is an amendment to the lease to allow the tenant to do nails, which required a different restroom. Vice-Mayor Weithorn recommends that this be done, as it has been a long time coming; Vice-Mayor Weithorn moved to approve the item. Item seconded by Mayor Levine.

Max Sklar, Tourism, Culture & Economic Development Director, stated that the tenant would pay common area maintenance.



**10:16:49 a.m.**

**11:06:17 a.m.**

R7F A Resolution Approving And Authorizing The Mayor And The City Clerk To Execute Guaranteed Maximum Price (GMP) Amendment No. 1 To The Pre-Construction Services Agreement With QGS Development, Inc., Dated March 20, 2012, For Construction Management At Risk Services For The Par 3 Golf Course Project, In The Amount Of \$4,227,898 Plus A Five Percent Owner's Contingency In The Amount Of \$211,395; For A Total Amount Of \$4,439,293 With Previously Appropriated Funding In The Amount Of \$3,637,975 From Fund 388 - MDC CDT Interlocal-CDT/Resort Fund; \$100,000 From Fund 431 - 2011 Stormwater Bonds - Reso 2011-27782; \$211,395 From Fund 388 - MDC CDT Interlocal - CDT/Resort Fund; And \$489,923 From Fund 306 - Mid Beach Quality Of Life, Subject To Future Appropriation Through A Capital Budget Amendment To The Capital Budget For Fiscal Year 2013/14 To Be Presented At The December 11, 2013 Commission Meeting.

(Capital Improvement Projects)  
(Item not reached on October 16, 2013)

**ACTION: Item deferred to the January 15, 2014 City Commission Meeting.** Motion made by Vice-Mayor Weithorn to defer this item; seconded by Commissioner Tobin; Voice vote 6-0; Absent: Commissioner Malakoff. **David Martinez to handle. Lilia Cardillo to place on the Commission Agenda, when received.**

David Martinez, CIP Director, explained that this is a proposal to approve Amendment No. 1 to the agreement. They are prepared to recommend the approval in the amount of \$4,227,898 plus a five percent owner's contingency, for a total of \$4,439,293 at this time to begin construction.

Commissioner Tobin explained that this is \$4.3 million for the golf course - to do a third golf course - and his concern is the financial impact. What will it cost annually?

Vice-Mayor Weithorn explained that Commissioner Tobin is absolutely right, and that the five-year financial impact statement is missing.

Discussion continued.

Jimmy L. Morales, City Manager, asked if this item can be discussed later when the Parks Department Director is present.

**11:06:17 a.m.**

Jimmy L. Morales, City Manager, stated that the maintenance information they have is outdated and they prefer to defer the item to January, to come back with updated information. In reference to R7B, we can do the amendment to the Capital Budget, but without the Par 3 Golf Course. He requested a motion to defer this item.

Motion made by Vice-Mayor Weithorn to defer this item; seconded by Commissioner Tobin; Voice vote 6-0; Absent: Commissioner Malakoff. **David Martinez to handle.**

**R9 - New Business and Commission Requests**

R9A Board And Committee Appointments.  
(City Clerk's Office)

**ACTION:** The following appointments were made:

**Ad Hoc Committee Flooding Task Force:**

Carla Probus Not interested in this committee  
Emily Eisenhauer Term ending 08/25/2014 Appointed by Commissioner Góngora

**Beautification Committee:**

Lidia Resnick Term ending 12/31/2015 Appointed by Commissioner Malakoff TL 12/31/17  
**Effective 01/01/2014**

**Budget Advisory Committee:**

John Gardiner Term ending 12/31/15 Appointed by Commissioner Grieco TL 12/31/16  
**Effective 01/01/2014**  
Jacqueline Lalonde Resigned effective 11/20/2013

**Convention Center Advisory Board:**

Leon Manne Passed away  
Joshua Wallack Removed due to absences

**Disability Access Committee:**

Sabrina Cohen Removed due to absences  
Andrew Feuerstein Removed due to absences  
Oliver stern Term ending 12/31/2014 Appointed by Commissioner Grieco TL 12/31/21  
**Effective 01/01/2014**

**Police Citizens Relations Committee;**

Sir Ralph Halpern Term ending 12/31/2014 Appointed by Commissioner Góngora TL 12/31/20

**Transportation and Parking Committee:**

Maria Meyer Removed due to absences November 2013.  
Mark Weithorn Rep. for the North Beach Development Corporation

**Visitor and Convention Authority:**

Micky Ross Steinberg Removed (elected as City Commissioner)

**Youth Center Advisory Board:**

Stephanie Rosen Term ending 12/31/15 Appointed by Commissioner Weithorn TL 12/31/15  
**Effective 01/01/2014**

R9A1 Board And Committee Appointments - City Commission Appointments.  
(City Clerk's Office)

**ACTION:** No appointments made. Mayor Levine announced that appointments would be made in January 2014, as Commissioner Malakoff is not present today.

Handouts or Reference Materials:

1. City Commission At-Large Nominations for December 11, 2013 – Release #1 Revised

**12:08:22 p.m.**

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

**ACTION:** The following individuals spoke:

1. Alberto Machado stated that he is very pleased and very happy with the new Commission. He complained about bacteria on the beach, which is detrimental to the health because it gives gangrene. His second complaint is about transit, because the Miami-Dade County bus drivers discriminate against disabled individuals and veterans. He also spoke of having training for the Miami-Dade County bus drivers, because if tourists are treated wrong they will never come back to Miami Beach.

Mayor Levine stated that the Miami-Dade County bus drivers do not work for the City of Miami Beach, but agreed that training was a good idea.

2. Gill Zriny spoke about the City's policy concerning utility billing. He is not a fan of sending his payment to Atlanta, so he comes in person to pay. When he cannot, he pays it online and it has worked fine, but not so in October. He made his payment on October 4, 2013, and received a confirmation for his payment. He then received a past due notice for October. He checked with the City and with his bank. The City said that he must have made a mistake, and the bank did not pay it. On October 29, the water was turned off on his building without any notice when the bill was due on the 30<sup>th</sup>. He turned the water back on himself and he had to go to 17<sup>th</sup> Street Customer Service Center to make his payment. When he informed the Customer Service Agent, after he paid, that he had himself turned on the water prior to paying, he was told to watch the meter as the City might turn it off again. What he did was to tape his paid bill on the meter, so the City would not turn the water off. The City needs to notify the tenants that the bill was not paid, acknowledge that the payment did not go through, and that the water will be turned off. The water was turned off the day before the bill was due, which Mr. Zriny maintains is not acceptable.

Discussion held.

Jimmy I. Morales, City Manager, stated that they would look into this problem. **Patricia Walker to handle.**

Eric Carpenter, Public Works Director, stated that his Department would work closely to streamline and standardize some of the practices with the Finance Department to resolve such issue. **Patricia Walker and Eric Carpenter to handle.**

3. Amanda Bush, Director of Marketing for the Miami Design Preservation League displayed the 2014 Art Deco poster for Art Deco Weekend, designed by student Adriana Sanchez of Fort Lauderdale. She gave a short history of the Art Deco Weekend and mentioned the upcoming activities. She invited the City Commission to participate in the event and in the parade.
4. Jeff Donnelly, from the Flaming Park Neighborhood Association, extended the association's congratulations to all the new members and invited them to attend their meetings on the first Mondays of the month at 5:30 p.m. at 945 Pennsylvania Avenue.
5. Frank Del Vecchio spoke on item R9L. He asked if the follow up on any corruption items will be assigned to one of the City Commission Committees, and if so, which one. He suggested that the specific personnel actions that were taken due to ethical violations be made public. In addition, he has been contacted by people that were fired by the previous Administration because they were whistleblowers, and these issues should be explored and consolidated at the Committee level.
6. Marcela Paz Cohen stated that she is a past member of the Leadership Academy and is very involved in the community. She spoke on behalf of the disabled, and stated that on 53<sup>rd</sup> Street the people on wheelchairs cannot cross the street and requested that something be done about it. They removed the bathroom in the same area and requested portable potties. She also requested that the trash cans and recycle bins that were recently implemented in the area and removed be put back.

Mayor Philip Levine stated that we have a Disability Committee to address these issues including the issue at 1111 Lincoln Road. We need to address these problems sooner rather than later. There should be no reason to wait. This should be addressed in January. **Disability Access Committee Liaison, Caroline DeFreze to handle.**

Marcela Paz Cohen stated that they are working with Ocean Rescue and requesting to double the lifeguard towers. They are focused on South Beach. Ms. Cohen requested rope lines on the beach, which would help the disabled and the elderly when bathing on the beach. **Chief Javier Otero and Ocean Rescue to look into the matter.**

Discussion continued.

Commissioner Tobin stated that there is no handicap access on our beaches, but there are devices that help the disabled, but are very dangerous. He asked if there is an appetite to discuss this in January. **Disability Access Committee Liaison, Caroline DeFreze, Fire Chief Otero, John Rebar, and Eric Carpenter to handle.**

Marcela Paz Cohen sent an e-mail to the Disability Access Committee members suggesting that the beach for disabled individuals should be at 36<sup>th</sup> Street, since that is the halfway point on the beach.

Commissioner Wolfson requested the 1111 Lincoln Road issue on the Agenda in January. **Disability Access Committee Liaison, Caroline DeFreze and Eric Carpenter to handle.**

Jose Smith, City Attorney stated that the Disability Access Committee made a recommendation for the 1111 Lincoln Road Building and they should attend the meeting and make a presentation. **Disability Access Committee Liaison, Caroline DeFreze to handle.**

7. Paul Jonas congratulated the new City Commission, and stated that he was happy that the meeting started on time. He is concerned that not every Commissioner will be present at 8:30 a.m. for the newly revised time for the Sutnick Hour.

Mayor Levine stated that everyone will be here at 8:30 sharp for Sutnick hour and the City Commission meeting will start at 9:00 a.m. sharp.

**5:32:34 p.m.**

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

1. Stanley Shapiro stated that this is an outstanding day. The Mayor is hitting all the right buttons. He suggested for the Administration to reconsider its tennis management decision. He also suggests having Commission meetings from 4:00 p.m. to 10:00 p.m., to allow residents who work to come to the meetings. Additionally, he suggested passing legislation that would require bicycle riders who ride at night to have lights. Mr. Shapiro complimented Stephen Zack on the work he has done as Chair of the Charter Review Board. He complimented this City Commission and stated that it is the best in four years. Finally, he asked the Commission to clean up Washington Avenue.
2. Marguerite Ramos is so excited to be here with this new Commission and this is the sentiment of everyone in North Beach. She is looking forward to working with the City to create a list of what can be done in North Beach to improve the community. One item of immediate concern that should be done is removing the fence at the Hispanic Community Center Building.

Mayor Levine stated that they have been working on this for the last two weeks, they are already on it. They only need to contract out.

Marguerite Ramos added that they are having a casino festivity and the invitations will be forthcoming.

3. Mark Weithorn, Chairman of the Parking and Transportation Committee, congratulated and welcomed the new Commission members. He spoke about the traffic on Collins Avenue going east to west both morning and afternoon. Traffic studies are being conducted and will come up in six to nine months; and together with the results, there will be capital and operational costs involved; and he wanted to ask the Commission to prepare for this. He added that the parking fund from parking meters that was used for other issues during the bad economic times should be replaced; and the City Commission must start preparing for the new expenses related to the serious transportation issues that the City faces, which need to be addressed. There needs to be a traffic master plan developed to handle the heavy traffic during all the events in the City. Staff needs direction from the City Commission for this to happen. There will be a letter from the Transportation and Parking committee listing the items they are presently working on.
4. Paul Jonas spoke on the issues discussed by Representative Richardson and requested that the transportation study be partially funded by the City, and included in the scope of the transportation study should be cable cars.

Jimmy L. Morales, City Manager, responded that they are exploring all options, including all technologies, new and emerging, to connect Miami Beach to the mainland.

Jose Gonzalez, Transportation Manager, stated that they are looking at numerous different technologies to solve the City's transportation issues.

Jimmy L. Morales, City Manager, stated that one of the challenges is that the technology to get us across the Bay may have to be different from the technology utilized to transport people within the City.

5. Gill Zriny spoke on behalf of his neighbors that the word is out that between 7:00 a.m. to 6:00 p.m. all workers park free, and the neighbors have no parking. He suggested a pilot program where at least one (1) neighborhood street has 24-hour parking for the residents only, seven days a week. **Saul Frances to handle to review proposal.**
6. Barbara J. Morris congratulated everyone. She stated that everything went very smoothly and she is happy to be here. She mentioned that she has been a senior advocate for the last ten years and would like to work with the Mayor in the future in this area. She also spoke about West Avenue because people are under the impression that there are two lanes. She has seen near misses two or three times on West Avenue because of this. She asked for whatever can be done to remedy this situation.

Mayor Levine thanked the City Manager for a great meeting. The staff was very well prepared and enthusiastic. He also thanked his fellow Commissioners for guiding this meeting, and the public for participating.

**11:08:48 a.m.**

R9C Update On The Miami Beach Convention Center Project.  
(City Manager's Office)

**ACTION:** Oral update given by Jimmy L. Morales, City Manager. The Manager announced that they have had recent conversations with the selected developer, and the developer is still interested in pursuing the project. Staff is pending the new Commission's direction as to how they want to move forward. The Mayor indicated that in January 2014, they will be addressing the issue. There is no other status to report until January 2014.

**11:18:47 a.m.**

R9D A Discussion Delineating Potential Concerns On Two Future Roadway Projects To Be Undertaken By The Florida Department Of Transportation (FDOT) Along Alton Road, From Michigan Avenue To 43rd Street And From 43rd Street To East Of Allison Road; And Urging FDOT To Ensure That All Community Concerns, Including, But Not Limited To, Loss Of On-Street Parking, Impacts To Mature Shade Trees, And Appropriate Bicycle Facilities, Are Properly Addressed As Part Of The Respective Future Alton Road Projects.

(Public Works)

(Item not reached on October 16, 2013)

**ACTION:** Discussion held.

**TO DO:**

1. Public Works review and sign off on all FDOT projects;
2. The Administration commits to have quarterly report and a presentation;
3. Public Works to review the plans and not rubber-stamp them;
4. Prepare a one-page time line listing on all of the FDOT projects;
5. Schedule meetings with FDOT that everyone can attend, including the public;
6. FDOT to come to the City Commission meetings to present; and
7. Review FDOT project as if it were a Right-Away-Permit with the corresponding reviews and that will be the document to be presented to the City Commission.

Jimmy L. Morales, City Manager, introduced the item.

Eric Carpenter, Public Works Director, explained the item.

Commissioner Steinberg stated that we need to have these conversations early before it is too late. She added that the bike lanes should be on Bay Road and not on Alton Road, and changing this will be a good thing and asked to do whatever needs to be done.

Discussion held.

Commissioner Tobin gave background information on this issue and asked that every FDOT project be reviewed and approved by Public Works. He stated that he is not sure that we used the new criteria for resurfacing the roads and we need resilience. **Eric Carpenter to handle.**

Discussion continued

Commissioner Tobin wants to make sure that FDOT projects are not rubber-stamped and asked how we can be sure that Public Works signs off on the plans. **Eric Carpenter to handle.**

Jimmy L. Morales, City Manager, stated that Administration will commit to having reports on a quarterly basis and make a presentation. **Eric Carpenter to handle.**

Commissioner Steinberg requested a timeline on FDOT projects. **Eric Carpenter to handle.**

Discussion continued.

Mayor Levine requested a simple one-page timeline on all of the FDOT projects. **Eric Carpenter to handle.**

Discussion continued.

Mayor Levine requested a meeting with FDOT headquarters so that everyone can attend including the public.

Jimmy L. Morales, City Manager, suggested that the meeting should be arranged here in Miami Beach, as FDOT headquarters are far west, and FDOT is always willing to come and present. Mayor Levine concurred. **Eric Carpenter to handle.**

Eric Carpenter, Public Works Department Director, suggested reviewing FDOT projects as if a Right-of-Way permit is required, therefore ensuring proper review. **Eric Carpenter to handle.**

**11:39:07 a.m.**

R9E Discussion Regarding Flooding At Royal Palm Avenue And 46th Street, Miami Beach.  
(Requested by Commissioner Edward L. Tobin)  
(Item not reached on October 16, 2013)

**ACTION:** Discussion held. **Item referred to the Flooding Mitigation Committee.** See action with R9M. Motion made by Vice-Mayor Weithorn to refer all flooding items R9D, R9E, and R9M to the Flooding Committee for them to monitor; seconded by Mayor Levine; Voice vote: 6-0; Absent: Commissioner Malakoff. **Eric Carpenter to place on the committee agenda and to handle.**

Commissioner Tobin requested an update on this item. He explained that this item came to Commission originally when one of the contractors offered to fix the flooding around 45<sup>th</sup> and Royal Palm for \$800,000. When they looked at the work, the contractors said that part of the contract was for de-mocking. He added that one of the residents who spent over \$170,000 of his own money went to the area, did a geotechnical study, and learned that there was no mock there. A lot of time was spent on this project, and the in-house engineer help design a drainage fix for 45<sup>th</sup> and Royal Palm where all this area was going to tie in. If they continue with that plan, he wants to know what the progress is. He also stated that when they looked at the plans they had 12-inch pipe as outfalls and no one changed the pipes or outsized the outfalls. He asked for an update and asked if there will be more problems in the future.

Eric Carpenter, Public Works Director, explained that there was a specific project done between Muss Park and Royal Palm where they installed a 48-inch pipe with an outfall, and it was meant to handle the flooding along that stretch from 44<sup>th</sup> to 45<sup>th</sup> Street. The problem as identified in this location is that it is connected to outfalls at Surprise Lake and those outfalls do not have back flow prevention, so these designed packages will be out in the streets by the end of the calendar year.

Discussion held regarding the pipe sizes.

Vice-Mayor Weithorn suggested that Commissioner Tobin discuss this with Mr. Carpenter offline so he can get his answers. **Eric Carpenter to handle.**

Motion made by Vice-Mayor Weithorn to refer all flooding items R9B, R9E, and R9M to the Flooding Committee for them to monitor them.; seconded by Mayor Levine; Voice vote: 6-0; Absent: Commissioner Malakoff. **Eric Carpenter to handle.**



**11:35:59 a.m.**

R9F Discussion Regarding Extending An Agreement For Legislative Services Between The City And Rutledge Ecenia, P.A., Gomez Barker Associates, Inc., And Robert M. Levy & Associates, Inc.  
(City Manager's Office)

**ACTION:** Discussion held. **Resolution 2013-28445 adopted.** Motion made by Commissioner Steinberg to extend the agreement to June 1, 2014 and to retroactively ratify the acceptance of the options by the City Commission; seconded by Commissioner Grieco; Voice vote 6-0; Absent: Commissioner Malakoff. **City Manager's Office to handle.**

Jimmy L. Morales, City Manager, explained that they discovered that the current State Lobbyist Contract should have expired two years ago, but had been renewed previously for two one-year terms, not consistent with the agreement; unfortunately, they are in the middle of the second year and Legislative Session begins soon. Their recommendation is to finish out this year with them and come back in January for a new legislative team by early fall.

Discussion held.

Mayor Levine asked if there is an agency that could potentially do it on a month-to-month basis.

Jimmy L. Morales, City Manager, explained that by the time they do an RFP it will be April, and it makes sense to extend to June 2014.

Joe Jimenez, Assistant City Manager, requested legalizing the three years paid erroneously, because the option was exercised outside of the normal procedure.

Jose Smith, City Attorney, stated that it will be a ratification of the acceptance of the options by the City Commission.

Discussion continued.

**11:38:18 a.m.**

Jimmy L. Morales explained the error. The contract ending 2010 had two-one year renewals, so according to the terms of agreement, it could not have been renewed past September 30, 2013; and it should have come back for RFP, but it did not in 2013. This was identified, and today they are asking today for guidance from the City Commission to ratify or terminate the Legislative Services Agreement.

Mayor Levine is in agreement to ratify and move forward to June 1, 2014.

Motion made by Commissioner Steinberg to extend the agreement to June 1, 2014, and to retroactively ratify the acceptance of the options by the City Commission; seconded by Commissioner Grieco; Voice vote 6-0; Absent: Commissioner Malakoff.

**5:16:48 p.m.**

R9G Discussion And Referral To Land Use And Development Committee Regarding The Betsy/ Carlton Hotel Renovation And Possibility Of An Air Rights Easement And Green Alley.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. **Item referred to the Land Use and Development Committee.**

**Motion #1:**

Motion made by Commissioner Tobin to refer the item of the pedestrian bridge to the Land Use and Development Committee; seconded by Commissioner Steinberg; Voice vote; 6-0; Absent: Commissioner Malakoff. **Richard Lorber to place on the committee agenda and to handle.**

**Motion #2:**

Motion made by Commissioner Tobin to direct staff to allow the applicant to file the necessary applications to the appropriate boards; seconded by Commissioner Steinberg; Voice vote 6-0; Absent: Commissioner Malakoff. **City Manager's Office to handle.**

**Motion #3:**

Motion made by Vice-Mayor Weithorn to refer the following to Land Use and Development Committee; seconded by Commissioner Tobin; Voice vote; 6-0; Absent: Commissioner Malakoff:

- The issue of looking at air and underground rights;
- Define what the City is giving up and what to expect in return;
- Establish policies with the understanding that there could be different policies for different areas of Miami Beach;

**Richard Lorber to place on the committee agenda and to handle.**

Commissioner Tobin stated that sometime ago The Tides bought property in Collins, and they wanted to build an air bridge across the alley in order to make their Collins Avenue property beachfront property. At the time, they worked it out and it was part of an idea of beautifying the alleys by making alleys from 1<sup>st</sup> Street to 15<sup>th</sup> Street landscaped. This was part of the deal with the air rights with The Tides. When The Betsy and Jeff Lehman came to see him, they loved the idea of beautifying the alley and they are committed to doing it, but would also like the ability to purchase air rights to get from The Betsy to a property they rehabilitated on Collins Avenue.

Mayor Levine states that it sounds great, it would be pristine and would make the alleys look like Beverly Hills or Santa Monica.

Bill Riley, Esq. spoke on behalf of the owners of The Betsy and The Carlton Hotels. They want to put a complete design for the Commission's consideration, and before that, they think it is appropriate to present first, from a 3,000 foot elevation, what their plans currently are. They are eager to start the process. They ask the Commission to allow them to begin the process by referring the item of the pedestrian bridge located on the third floor of the hotel to the LUDC, and secondly to allow this applicant to file an application to be reviewed by the DRB and any other boards appropriate. They understand that it is ultimately the City Commission's decision.

Discussion held.

Jonathan Plutzik, owner of The Betsy Hotel, added that they cleaned up the alley alongside the

City's pathway that connects the entrance to the beach on Ocean Drive, through the alley way and on to Collins and Espanola Way. That pathway at present does not look safe, but it can be improved. They are excited about having both properties and about what can happen in that alleyway. They have already opened the pathway during Art Basel.

Discussion continued.

Vice-Mayor Weithorn stated that the Commission has never set policy as to how much is the City willing to do on air rights, and this Commission needs to memorialize the air rights for the future and what the City expects in return. **City Attorney's Office to handle.**

Discussion continued.

Mayor Levine stated that he understand what his fellow Commissioners are saying. It is important to look at everything, but the most important thing they need to do is foster and promote entrepreneurship in the community, and allow people that want to do great things and improve things not feel like there is someone in front of them stopping them from doing it. That is the key.

Commissioner Tobin took a vote of sentiment to go forward with this and made a motion. Everyone voted yes. He also made a motion to refer to LUDC.

Vice-Mayor Weithorn asked to do a separate motion.

Discussion continued.

**5:30:22 p.m.**

Rafael Granado, City Clerk, read the motions:

**Motion No. 1:**

Motion made by Commissioner Tobin to refer the issue of the pedestrian bridge to the Land Use and Development Committee; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Malakoff.

**Motion No. 2:**

Motion made by Commissioner Tobin to direct staff to allow the applicants to file the appropriate applications to the appropriate boards; seconded by Commissioner Steinberg; Voice vote 6-0; Absent: Commissioner Malakoff. **City Manager's Office to handle.**

**5:32:17 p.m.**

**Motion No. 3:**

Motion made by Vice-Mayor Weithorn to refer item to the Land Use and Development Committee seconded by Commissioner Tobin; Voice-vote: 6-0. Absent: Commissioner Malakoff to:

- Consider the City Commission's vision of that alley (air rights, underground rights); and
- Determine what the City is giving up, and what the City can expect in return (set up a policy);

Vice-Mayor Weithorn suggested making the motion broader, and requested Land Use and Development Committee to look at air rights and underground rights, establish a policy decision as to what the City can give up and what the City can expect in return, so that they can be consistent. No second offered.

Commissioner Tobin stated that this is not one size fits all, we may want to do something different in a different area.

Commissioner Tobin moved Motions No. 1 and No. 2; seconded by Commissioner Steinberg.

A Voice vote was taken on motion No 1 on the referral; 6-0; Absent: Commissioner Malakoff.

Vice-Mayor Weithorn restated Motion No. 3 that there could be different policies for different areas of the beach. She suggested referring this discussion to the committee with the understanding that one size does not fit all. This will be a new Motion No. 3; seconded by Commissioner Tobin.

Rafael E. Granado, City Clerk, restated Motion No. 3. Voice vote; 6-0; Absent: Commissioner Malakoff.

**5:06:25 p.m.**

R9H Discussion Regarding The City's Design For New Median On South Pointe Drive.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. See motions below:

**5:14:32 p.m.**

**MOTION No. 1:**

Vice-Mayor Weithorn made a motion to modify the bike lane proposal to allow the palms to go back; seconded by Commissioner Steinberg; Voice vote 6-0; Absent: Commissioner Malakoff. Motion carries.

**5:14:59 p.m.**

**MOTION No. 2**

Motion made by Vice-Mayor Weithorn to refer the Washington Avenue pump station beautification to Finance and Citywide Projects Committee and bring back with a potential solution.

Commissioner Tobin placed this item on the Agenda at the request of SOFNA.

Ron Starkman, Director of SOFNA, and on behalf of the Continuum and South Pointe Tower, Portofino and Murano Grande boards, explained that at an informational meeting earlier this year by CIP, they advised the neighborhood of the narrowing of the median in South Pointe Drive and of the existence of a water main not very deeply underneath the median. As a result, the City would not be able to replace the coconut palms that were there before, and which the neighborhood had been promised. When they asked why they could not have the palm trees, it was explained that the new master greenway bike path plan calls for dedicated bike lanes, which will take about 8 feet, and as a result the median is now on top of the water main. To solve this, they would like the Commission to amend this, so instead of having a dedicated bike lane, amend the plan to have a shared bike lane.

Vice-Mayor Weithorn asked if it was appropriate to refer to committee.

Jimmy L. Morales, City Manager, asked for direction.

Motion made by Vice-Mayor Weithorn to modify the master plan to make it a shared bike lane, with the caveat that automobiles slow down for cyclists due to the increase in accidents with bicycles. She requested referring to the Finance and Citywide Projects Committee to find funding sources. No second offered and discussion continued.

Mr. Starkman stated that CIP had funds to move the water main.

Vice-Mayor Weithorn stated that at committee they might look at the options. More research is needed. She is referring to the Washington Avenue piece. She does not know if this really has allocated funding at this point. Discussion continued. She suggested making one motion at a time.

Adam Shedroff spoke in support of the green space and shade trees.

Commissioner Tobin asked whether the residents are asking for coconut palms. Mr. Starkman explained that palm trees enhance the boulevard effect. Discussion continued.

**5:14:32 p.m.**

**MOTION No. 1:**

Vice-Mayor Weithorn made a motion to modify the bike lane proposal to allow the palms to go back; seconded by Commissioner Steinberg; Voice vote 6-0; Absent: Commissioner Malakoff. Motion carries.

**5:14:59 p.m.**

**MOTION No. 2**

Motion made by Vice-Mayor Weithorn to refer the Washington Avenue pump station beautification to Finance and Citywide Projects Committee and bring back with a potential solution.

Jose Smith, City Attorney, will check with Mr. Held to see if the item should go in front of other boards.

Vice-Mayor Weithorn amended her motion to include referral to any other applicable board/committee for funding allocation; seconded by Mayor Levine. Voice vote 6-0; Absent: Commissioner Malakoff.

Discussion held.

Joyce Garret explained that when the streets were done, there was a lot of parking taken away on the north side. When she asked about handicap parking on South Pointe Drive, she was told to go around the corner into the park and park there, or go to Nikki Beach Club and park there, which is impossible for handicaps to do. She is asking for a solution to the handicap parking in this area. **Eric Carpenter to handle.**

**City Clerk's Note:** Commissioner Malakoff sent an e-mail statement in support of this item.

Handout or Reference materials:

1. E-mail on behalf of Commissioner Malakoff.
2. Printed copies of color photographs, South Pointe Drive median.

**3:01:20 p.m.**

**SUPPLEMENTAL MATERIAL 2**

R9I Discussion Of The Charter Review And Revision Board's Recommendations Regarding Amendments To The City Charter.

(City Clerk's Office)

**(Memo to be Submitted in Supplemental following  
Charter Review Meeting of December 4, 2013)**

**ACTION:** Discussion held. **Resolution 2013-28446 adopted.** Charter Review Board expires on January 1, 2014. Motion made by Commissioner Wolfson for a Charter Review Board to be established for 120 days, after the expiration of current board, and each Commissioner is to appoint a member, except that Mayor Levine will appoint Stephen Zack as member and Chair; seconded by Commissioner Grieco; Voice vote 6-0; Absent: Commissioner Malakoff.

**Amendment:**

Vice-Mayor Weithorn suggested including in the motion the scheduling of a Joint Public Workshop and/or Committee of the Whole and the Charter Review Board and there was consensus. **Rafael E. Granado to handle.**

Mayor Levine introduced the item.

**Presentation by S. Zack, Chair, CRB**

Stephen Zack, Chairman of the Charter Review and Revision Board (CRB), congratulated the elected officials and stated that as a resident, they are looking forward to their Administration. He explained that this is the third time in 20 years that he has chaired the Charter Review. He explained that the original Charter was 132 pages, it was obsolete and even the legal description of the City was incorrect. They wanted the Charter to be like the Constitution, and so readable that anyone could read it in one night, read it and know what their rights are. They ended up with a 13-page document. They also added the Citizens' Bill of Rights, which was unique to the City. In the past, the citizens have accepted each recommendation the CRB has made. He also believed that all the members he has worked with only had one goal in mind, and that is the best interest of the City, and no other political agenda.

He recognized Jose Smith, City Attorney, Debora Turner, First Assistant City Attorney, Donald Papy, Chief Deputy City Attorney, Rafael E. Granado, City Clerk, Liliam Hatfield for her assistance and support to the group, Gary Held, First Assistant City Attorney, Jimmy Morales, City Manager, and Joe Jimenez, Assistant City Manager. He thanked Aaron Perry, Vice-Chair of the CRB, who has been chairing the meetings when he was not available. He also recognized CRB member Rick Kendle in the audience.

Chair Zack gave a brief overview of the meetings, the process implemented and accomplishments reached. He explained that they waited to present their recommendations until after the City election, so as not to politicize the issues deliberated. The City Commission has until August 2014 or latest November 2014, if they decide to put this on a countywide general election to continue this process. The process is very important to be continued. He made reference to the last page of the agenda under Items to be Considered (Page 4-5), items A-K. This Commission decides what is appropriate to put on a ballot. The CRB's jurisdiction terminates December 31, 2013, and after that, it is up to this Commission as to how to proceed.

There were discussions regarding Miami Beach United, and he recognized Nancy Liebman and Terry Bienstock for their efforts; the CRB agreed with their aspirational goals submitted; however, they believe there needs to be a public hearing and workshops to further discuss these items. They believed there was a lot of ambiguity in the aspirations that could result in litigation and they did not want that to happen; that is why they suggested that this be discussed further. He explained the amendments the CRB is suggesting to the Citizens' Bill of Rights:

1) Ethics in Government, by adding language "No City of Miami Beach elected or appointed official or employee shall use or attempt to use his or her official position to corruptly or unlawfully secure special privileges, benefits, or exemptions for himself, herself, or others."

2) Compensation; this was clarified as to the meaning of compensation so that this becomes transparent to the citizens of Miami Beach. He explained that the current salary (\$6,000) went into effect in 1966. To that, they added the CPI every year since that time, (retroactive), which resulted in a salary of \$43,900 for Commissioners and a salary for the Mayor of \$73,200.00; this is not a great increase, it is a modest increase when considering the cost of living, but they know how citizens look at this issue, and they believe it makes sense.

3) Terms of Office – the CRB agreed to two-year terms for Commissioners and four-year terms for the Mayor. Commencing with the General Election in November 2015 the term limit for Miami Beach Commissioners shall be a maximum of two terms (eight years) and their term limit for Beach Mayor shall be a maximum of three terms (six years) respectively, measured retroactively from their first elections; said terms not including time served as a member of the City of Miami Beach Commission, as a result of having filled a vacancy in the Commission pursuant to Section 2.07 of the City of Miami Beach Charter.

4) Vacancies – In the event of a future vacancy due to an irrevocable written resignation, if a City general election or a countywide election is scheduled to be held on or within 30 days after the effective date of the irrevocable written resignation, then the future vacancy shall be filled by the election of a Commission member for the remainder of the unexpired term in the City general election or countywide election. If a City general election or countywide election is not scheduled to be held on or within 30 days after the effective date of an irrevocable written resignation, and if the remaining members of the Commission shall fail or refuse to fill a future vacancy within 30 days after the effective date of the written irrevocable resignation, then a special election shall be called and held within 120 days after the effective date of the written irrevocable resignation.

The CRB also opined in the Prohibition of Discrimination and Citywide Referendum, which were already approved.

Mayor Levine thanked the CRB Chair and members and asked the City Manager what was the process of extending or reappointment.

Jimmy Morales, City Manager, stated that the Board is sun-setting December 31, 2013 (Clerk's Note: January 1, 2014 is actual expiration date), and the members are asking for an extension.

Commissioner Wolfson appreciates the work done by the CRB, and it is quality work. He asked in regards of the proposed charter amendments regarding vacancies in the Commission. The effective date of resignation is the date when the vacancy occurs. If a vacancy occurs in the middle of a term, unexpected, and/or when there is a resignation to run for office, irrevocable resignation. Because the way the Charter is written now, they have 30 days from Election Day

when they shall appoint. Under the current Charter, the City cannot call for a Special Election prospectively; and what the CRB has done, which is wise, is that if there is already a countywide or general election, the City shall call to fill the remaining of the term on that date. If there is not an election within 30 days, they go through an appointment office, and if fail or refuse to appoint, then it shall be called within 120 days. He asked what if they could be in a situation to fill a one-year vacancy. He thinks this is the best possible way to fix the issue.

Discussion continued.

Mayor Levine asked what it takes going forward to get this to a close.

Stephen Zack, CRB Chair, explained that everyone needs the opportunity to be heard, and estimates this can be done before the primary date. There are important issues listed from A-K. There are issues such as the traffic in Miami Beach, the Inspector General and Subpoena Powers. This Commission can designate these issues and the CRB can discuss.

Discussion continued.

Vice-Mayor Weithorn stated that she has a lot of questions on the vacancies, and suggested holding a workshop or a Committee of the Whole. She added that the group should continue to work for at least sixty days.

Mayor Levine stated that to keep continuity they should maintain Chair Zack and reappoint new members to get fresh ideas.

Stephen Zack, Chairman of the Charter Review and Revision Board, stated that his previous engagement should be over, and he has no problem serving on the CRB.

Discussion continued regarding compensation.

Motion made by Commissioner Wolfson to establish a Charter Review Board for 120 days, after the expiration of the current Board and each Commissioner is to appoint a member, except that Mayor Levine will appoint Stephen Zack as member and Chair; seconded Commissioner by Grieco; Voice vote 6-0; Absent: Commissioner Malakoff.

**Amendment:**

Vice-Mayor Weithorn suggested including in the motion the scheduling of a Joint Public Workshop and/or Committee of the Whole and the Charter Review Board and there was consensus. **Rafael E. Granado to handle.**

**12:04:48 p.m.**

R9J Discussion Regarding The South Pointe Elementary Grant Request For Safe Schools Via Stanley Security.

(Requested by Commissioner Michael Grieco)

**ACTION:** Discussion held.

Commissioner Grieco stated that South Pointe Elementary is seeking a \$200,000 grant from Stanley Safer Schools and he knows that Mayor Levine and the West Avenue Neighborhood Associations have blasted e-mails in support. This is an opportunity for us to do something. There is a grant competition, and South Pointe Elementary is currently ranked third in the country; and



winners will receive significant funds towards security systems. If the public wants to help, they can send a text to 99222, with the subject being South Pointe Elementary School, once a day, every day, for the next two days; the other option is to go to StanleySaferSchools.com and vote. He encouraged everyone to vote and help.

Commissioner Steinberg asked if the City could send an e-mail on this.

Dr. Leslie Rosenfeld, Organizational Development and Training Specialist, explained that the City is supporting the school's efforts. The information has been included in the City's electronic newsletter, and the Miami Beach Chamber has sent the information to all its members. The third and second place winners receive \$100,000 for security equipment for the school. The voting ends on December 13.

Mayor Levine encouraged everyone to participate and vote.

**9:12:33 a.m.**

R9K Discussion And Update Regarding The School Nurse Initiative Program And How The City Can Maintain It Going Forward.

(Requested By Commissioner Micky Steinberg)

**ACTION:** Discussion held.

Tiva Lesser, PTA President, North Beach Elementary, thanked Commissioner Steinberg for placing the item in the Agenda and stated that the nurses have had an incredible impact in the schools, with over 600 children using the services since the end of September. She asked that the City continue to support this initiative financially, and actively engage with the other municipalities for their assistance in maintaining the services.

Discussion held regarding financing the program.

City Manager Jimmy L. Morales explained that the program is fully funded for FY 2013/2014, and The Children's Trust will provide funding for FY 2014/2015. The City is working with the other municipalities to obtain their commitment; the City's portion will be \$15,400, and it is his intention to include that in the next proposed budget.

**MOTION:**

Commissioner Weithorn made a motion to refer the recommendation at budget time, since the funding for this year is in place; seconded by Commissioner Steinberg. Commissioner Steinberg stated that it is important for all the schools to have a nurse, and encouraged the other municipalities to participate in the program, as it is something very positive for the community.

City Manager Jimmy L. Morales recognized Dr. Leslie Rosenfeld for her yeoman's efforts while working with this program and former Commissioner Libbin and the Miami Beach Chamber of Commerce. The outreach to the other municipalities will be done, in order to try to obtain additional funding.

Dr. Leslie Rosenfeld, Organizational and Development Training Coordinator, explained that the community has reached out to her and they are thrilled with the nurse initiative. Hundreds of children, as well as their families, at Treasure Island and Bay Harbor Elementary Schools are

reaping the benefits of this service. They were fortunate last year when they partnered with the neighboring municipalities, The Children's Trust and the Chamber, because at this point the Trust has committed matching funds of \$98,000 and the Chamber wrote a matching grant for \$62,000 for 2015. They are looking for the difference of about \$35,000 or \$40,000, which will come from the municipalities.

Discussion continued.

Motion by Commissioner Weithorn; seconded by Commissioner Steinberg; Voice-vote: 6-0; Absent: Commissioner Malakoff.

**City Clerk's Note:** Commissioner Malakoff requested via e-mail, that the following written statement be placed into the record:

*"I am very much in support of the two items regarding North Beach Elementary School.*

*1. Continuing the funding for the nurse on campus [R9K].*

*2. Opening a new exit in the northeast corner of the Roaster's and Toasters parking lot, which should alleviate congestion at drop-off and pickup [C4L]?*

*I think both of these issues are very important for the school, the children and the parents at drop-off and pickup.*

*Commissioner Joy Malakoff"*

Handouts or Reference Materials:

1. E-mail from Commissioner Malakoff regarding R9K

**11:42:43 a.m.**

**SUPPLEMENTAL MATERIAL 1 – City Manager's Status Memorandum**

R9L Status Update And Report Outlining The Actions Taken By The City In The Last 12 Months To Implement Anti-Corruption Initiatives.

(Requested By Commissioner Micky Steinberg)

**ACTION:** Discussion held.

Commissioner Steinberg requested an update as to what has been done in the past twelve months to implement anti-corruption initiatives, to find out if a task force is needed, and also to hear recommendations from the City Manager.

Jimmy L. Morales, City Manager, mentioned all the items implemented in order to prevent corruption:

- 1) Assigned a Police Sergeant to the FBI's Anti-Corruption Unit.
- 2) Reassigned a Senior Police Commander to the Code Compliance Division and restructured the chain of command.
- 3) The City Commission established an external audit to review business processes in all of the City's regulatory divisions. They issued a report and the City is in the process of implementing the recommendations.
- 4) Procedures were changed in the Code Enforcement Department, including rotation of Code Officers so no special relations can develop.
- 5) AVLS Vehicle Locator devices were placed on City vehicles for random checking.

- 6) Extensive housekeeping in the development grants area with respect to procedures.
- 7) All agreements must be reviewed and signed off by the City Attorney's Office prior to execution.
- 8) A lot of work was done in the Procurement Department, including change of personnel. They will be coming back with additional recommendations.
- 9) Partnered with the Ethics Commission to do a series of training session for all regulatory team members. There have been six sessions and now they are having private sessions as follow up.
- 10) Adopted employee policies and because employees have come forward they have identified issues of corruption.
- 11) Identified Compliance Officer for the anticorruption hotline, this enhancement is pending the budget approval.

He added that the best thing that can be done to fight corruption is to show zero tolerance. Four Department Directors, as well as other senior staff, have recently been removed from office due to ethical issues. In reference to Procurement, they have hired the former Ethic Commission Director to review possible contractor wrongdoing, and if discovered consider disbarment procedures.

Discussion continued.

Vice-Mayor Weithorn stated that the most successful thing is to follow up on and monitor what the Administration is doing. She complemented the City Manager, and added that they do not need to add any more items, but they must continue monitoring the ones they have put in place because it is beginning to work.

Mayor Levine stated that it is checks and balances as well as follow up, and people in the City need to know if they see or hear something to call it to his attention.

Discussion continued.

Commissioner Tobin stated that the best thing now is that there is accountability.

Mayor Levine stated that people should report whatever they see that does not look right and if they are wrong, it is ok.

Commissioner Tobin stated to pass along to Robert Meyer, at the Miami Ethics Commission, the names of the people that were bribing and fixing bids back when he originally notified them, and he will be happy to be part of a conference call. He does not want people or companies giving the impression that they are legitimate when they are not.

**11:53:16 a.m.**

R9M Discussion Regarding The Drainage Improvements For Upper North Bay Road.  
(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held. Motion made by Vice-Mayor Weithorn to refer all flooding items (R9D, R9E, and R9M) to the Flood Committee for monitoring; seconded by Mayor Levine; Voice vote: 6-0; Absent: Commissioner Malakoff. **Eric Carpenter to handle.**

**Referral:**

Referred to the Flood Mitigation Committee.

Commissioner Tobin explained that Upper North Bay Road has bad outfalls. The City added a culvert to help with flooding in front of a resident's home in the middle of 51<sup>st</sup> Street, and what happened is that it ties in to the outfall, but they did not put a flex valve on the outfall, so now when the tide rises, the drainage is great, but the problem is that the grass is dead because of the salt water coming in. They are waiting to do Upper North Bay Road in two years. There is a flooding issue in this area.

Eric Carpenter, Public Works Director, explained that they installed a pipe, approximately on 51<sup>st</sup> Street, but they did not put an outfall pipe, and that created an additional problem that did not exist before. This is one of seven locations that they are moving forward immediately with installing in-line check or tie flex valves, and ultimately they hope to move forward with the JPA with FDOT to handle the 59<sup>th</sup> Street area, separating those two systems for drainage; the ultimate fix is on La Gorce neighborhood in two years.

Commissioner Tobin stated that this is his complaint, the two-year delay. Discussion continued. Someone needs to look at the plans again. FDOT has an easement for outfalls coming across, but he thinks they need to have a serious discussion about the level of service. He wants to know why the delay of two years.

Mayor Levine suggested referring the item to the Flood Mitigation Committee.

Motion made by Vice-Mayor Weithorn to refer all flooding items (R9D, R9E, and R9M) to the Flood Mitigation Committee for monitoring; seconded by Mayor Levine; Voice vote: 6-0; Absent: Commissioner Malakoff. **Eric Carpenter to handle.**

Discussion held.

Eric Carpenter, Public Works Director, explained that in some locations they were installing additional structures in the system to be able to put the type flex valve in; he will also be looking now at installing an in-line check valve, so they do not need a full structure.

Discussion continued.

Commissioner Wolfson suggested bringing the design back to the next City Commission Meeting, so that the repairs can be done correctly. **Eric Carpenter to handle.**

Commissioner Tobin recognized Mr. Carpenter for his efforts, and Mayor Levine added that their goal is to make his job easier to accomplish.

Eric Carpenter, Public Works Department Director, to send out an ITB. **Eric Carpenter to**

**handle.**

**12:01:01 p.m.**

R9N Discussion Regarding An Update For Programmatic Plan For Renovation And Expansion Of The Wolfsonian-FIU Museum.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Discussion held.

Jimmy L. Morales, City Manager, stated that Cathy Left sent a response, as she could not be present today. Commissioner Tobin stated that he had read Ms. Lefts' response, as it was sent to all the Commissioners.

Commissioner Tobin explained that he visited The Wolfsonian, and there is not a lot for residents or children to enjoy; this is mainly a collection that is loaned throughout the country. Cathy Left has a grant from the County for \$10 million, and she came to the City and stated that rather than spend part of her money on their plan, why not have the City fund \$150,000 to help her decide how the full grant amount is spent. He suggested something for children and residents to enjoy, and she was receptive to a public benefit.

Commissioner Tobin stated that it had been a year since the money from the City was allocated to when a contract was signed. He wanted to know what happened. City Manager Morales stated that this money was allocated in August of 2012, but the contract was not executed until July 2013.

Jimmy L. Morales, City Manager, explained that the \$10 million from the County is still there; they have retained the consultant and are ready to move forward.

Commissioner Tobin reminded that the Wolfsonian must give the City a public benefit. **Max Sklar to handle.**

**3:27:00 p.m.**

**ADDENDUM MATERIAL 1:**

R9O Discussion Regarding Alton Road Construction Project.

(Requested by Mayor Philip Levine)

**ACTION:** Discussion held.

**TO DO:**

**Max Sklar to handle.**

- Assist businesses in forming a business association;
- Create routine events involving the restaurants in that area;
- Adding incentives to create programs and advertise for the various businesses;

**City Manager's Office to handle**

- Consider an emergency authorization to get a trolley in service for a one-year period, to service West Avenue and Alton Road ;
- Reach out to the homeowner associations and businesses on the trolley's routing area;
- Christine Florez to assist in contacting residents;

**Patricia Walker to handle**

- Waive fees or licenses fees;

**Eric Carpenter, Saul Frances and City Manager's Office to handle**

- Relax the requirements for signage;
- Research Mom and Pop grants programs offered by County Commissioner Barreiro;
- Avoid fines or violations for signage when is related to parking availability; and

Mayor Levine explained that this item has to do with the economic incentives ideas to mitigate the financial loss business owners on Alton Road are facing due to the construction.

Jimmy L. Morales, City Manager, stated that there used to be an FDOT/State funding for things like this, but this fund does not exist anymore.

Christine Florez thanked the City Commission for putting this on the agenda. This is an FDOT project and the City is overseeing it; however, there are concerns about safety in the community, and the feeling that not enough is being done by the City to ensure that pedestrians are safe. She requested that someone reach out to the Police Department, regarding recent accidents where pedestrians were hit by vehicles. She also suggested more police presence, temporary signs and lights, stop signs at West Avenue, 14<sup>th</sup> and 15<sup>th</sup> Streets, with more police presence at 32<sup>nd</sup> Street due to the traffic coming through, and more signage for parking. She would like the City to task staff to advocate more and to try to get those stop signs.

Mayor Levine stated that something must be done immediately to address the traffic on West Avenue, be it stop signs or flashing yellow lights. There may be a way to place temporary yellow flashing lights, to show speed and having more police presence, and a dedicated crosswalk.

Eric Carpenter, Public Works Director, explained that they have been working closely with FDOT on this project, and they have committed resources to doing pedestrian traffic counts at 12<sup>th</sup> and 14<sup>th</sup> Streets. In the traffic business, they need to make sure they evaluate all modes of transportation, and FDOT is doing this study to see if it is appropriate to place the stop signs or flashing yellow lights.

Mayor Levine asked if there is an emergency fix or emergency stop sign, rather than wait for the study to be done.

Eric Carpenter, Public Works Director, stated that the Police have a couple feedback signs and they can look at increasing the number out there. They can also work with the Police Department to better allocate sources in the area.

Discussion held.

Commissioner Grieco asked if there has been a discussion about reducing the speed limit, at least temporarily, in addition to having the police flashers installed. Mr. Carpenter stated that he has not had this discussion with FDOT.

Discussion continued regarding safety concerns.

Christine Florez spoke.

Discussion continued.

Max Sklar, Tourism, Culture & Economic Development Director, stated that one of the most immediate and long term solutions is to help businesses form a business association, to give them a unified voice, and staff can work with them on this project and in the future. He also recommended creating routine events involving the restaurants and business in that area, and get traffic to them; adding incentives to create programs and advertise programs for the various businesses, free of charge, which can be included on the City's magazine, social media and website. **Max Sklar, Nannette Rodriguez and Patricia Walker to handle.**

Mayor Levine asked the City Manager if a trolley can be brought in for Alton Road, or something that can be subcontracted.

Jimmy L. Morales, stated that they have discussed this issue when the Local Circulator was being discussed, and he explained that if the Commission gives an emergency authorization to get a trolley in service for a one-year period, to service West Avenue and Alton Road, this can be done. He will bring back a contract at the January 15, 2014 Commission Meeting addressing those issues. **City Manager's Office and City Attorney's Office to handle.**

Vice-Mayor Weithorn suggested reaching out to the homeowner associations and businesses for the routing area.

Mayor Levine suggested Christine Florez contacting the residents and she agreed.

Commissioner Wolfson suggested advertising for this service immediately, so people learn about the amenities provided. **Nannette Rodriguez to handle.**

Discussion continued regarding incentives and advertising concept.

Michael Gory, Nail Salon owner, explained that signage and the trolley idea is fantastic, because the problem is for the customers to get to the door.

Discussion continued.

Commissioner Wolfson asked if any City fees or licenses could be waived.

Mayor Levine asked to relax the requirements for signage. Discussion continued.

The following individuals spoke:

Rick Kendle spoke on a Mom and Pop program offered by County Commissioner Barreiro.

Tammy Tibbles spoke about constructions projects in the future in trying to avoid this from happening again. She suggested that the City give instruction to Administration to not fine or give violations for signage when is related to parking availability and perhaps waiving parking fees.

Mayor Levine thanked Tammy Tibbles for everything she has done in connection with the Alton Road construction project.

Jimmy L. Morales, City Manager, stated that they need direction and will bring back a proposal for

a contract in January 2014. Administration will meet with Planning and Code Enforcement Departments to coordinate. They will also look at the fee issue; most fees are nominal and a waiver can be applied for a short term. The Administration will come back with a holistic proposal; they will do what they can administratively, and if there is anything between now and January 15 that will require a Commission waiver or approval, it will be placed on that agenda. **Eric Carpenter to handle.**

Discussion continued.

Commissioner Wolfson asked the City Manager to look at all the fees to see what can be waived, and take a creative approach. **Patricia Walker to handle.**

Discussion continued.

Commissioner Tobin recognized Rick Kendle for doing so much for the community. In regards to a Trolley, he asked if it could be available to residents of South of Fifth, so they do not need to use their cars and they can bring people to those businesses. City Manager Morales stated that he would obtain the cost.

Christine Florez spoke.

Mark Croft, P.E., District Construction Engineer, from FDOT, stated that pedestrian safety is essential. Blue business signs were provided, but if there are too many businesses it can look cluttered.

Mayor Levine thanked FDOT for opening Alton Road for Art Basel.

### **R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(City Attorney Office)

### **Reports and Informational Items**

1. Reports and Informational Items (see LTC 426-2013)
2. List of Projects Covered by the Cone of Silence Ordinance - LTC.  
(Procurement)
3. Report From Commission Committees Of Withdrawn Items Not Heard Within (6) Six Months From Their Referral Date.

(City Clerk's Office)

### **End of Regular Agenda**



## Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

December 11, 2013

Chairperson of the Board Philip Levine  
Member of the Board Michael Grieco  
Member of the Board Joy Malakoff  
Member of the Board Micky Steinberg  
Member of the Board Edward L. Tobin  
Member of the Board Deede Weithorn  
Member of the Board Jonah Wolfson

Executive Director Jimmy L. Morales  
Assistant Director Joe Jimenez  
General Counsel Jose Smith  
Secretary Rafael E. Granado

### AGENDA

#### 1. NEW BUSINESS

**10:02:27 a.m.**

- A A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Setting The Dates For The Year 2014 Redevelopment Agency Meetings; And Further Accepting The Mayor's Recommendation, As Set Forth In The Proposed Meeting Schedule Attached As Exhibit "A" To This Resolution, That The City Commission Conduct And Hear The Presentations And Awards Portion Of The City Commission Meetings On A Separate Meeting Date, Which Would Be The Alternate Meeting Dates Set Forth In Exhibit "A" Hereto. **Joint City Commission & Redevelopment Agency**

(City Clerk's Office)

**ACTION: Resolution 601-2013 adopted as amended. Item heard in conjunction with item R7A. Motion made by Board member Tobin to:**

- Adopt the January 15, 2014 Commission Meeting date;
- Adopt the January 22, 2014 Alternate Commission Meeting Date;
- Set a 15-minute Committee of the Whole after the January 15 Meeting to discuss the remainder dates for 2014; and
- Finalize the remaining dates at the January 15, 2014 Commission Meeting.

Motion seconded by Vice-Mayor Weithorn. Voice-vote: 6-0; Absent: Commissioner Malakoff. **Lilia Cardillo to place on the January 15, 2014 RDA Agenda if received. Rafael E. Granado to handle.**

**TO DO:** Commissioners to send Administration the conflicting dates in advance. **Rafael E. Granado and Lilia Cardillo to handle.**

Commissioner Tobin stated that he has conflict with the Commission Meeting dates as presented, and suggested setting the dates at the next Commission Meeting. Commissioner Tobin stated that he has a conflict on every single meeting. By postponing this item to the next Commission meeting, Commissioner Tobin can work with Administration on the schedule.

Vice-Mayor Weithorn suggested approving January 15, 2014 as the next Commission Meeting, and January 22, 2014 as the Alternate Commission Meeting date. Commissioner Tobin said he was okay with January 15 and January 22. Commissioner Tobin explained that he was taking a six-month intensive training.

Vice-Mayor Weithorn stated that at a minimum, they must set the January dates today.

**10:04:43 a.m.**

City Clerk Rafael E. Granado inquired of Commissioner Tobin, if he was agreeable to setting the RDA Meeting for January 15, 2014 and the Alternate/Presentation Day for January 22, 2013. Commissioner Tobin responded in the affirmative.

Vice-Mayor Weithorn explained that what the Mayor had intended was, just as they did this morning, getting to business relatively early.

Mayor Levine explained that the objective is to start at 9:00 a.m. the actual meeting. As a result, they are looking to having the Dr. Sutnick Citizen's Forum start at 8:30 a.m.

Commissioner Tobin made a motion to adopt the January dates, and open and continue the item for the remainder of the Commission Meeting dates for 2014.

Commissioner Tobin in response to a question from City Clerk Rafael E. Granado stated that this was the same motion he was making for the R7A item.

Vice-Mayor Weithorn suggested holding a 15-minute Committee of the Whole and approve the remaining dates at the next meeting. During the Committee of the Whole, all the Commissioners can bring their calendars so the dates can be properly discussed. Amendment accepted by the maker of the motion.

**FINAL MOTION:**

Motion to adopt the January dates, schedule a 15-minute Committee of the Whole to schedule the remainder of the Commission Meeting dates for the year, and move the scheduling of the remaining dates to the January 15, 2014 Commission Meeting; seconded by Vice-Mayor Weithorn. Voice-vote: 6-0; Absent: Commissioner Malakoff.

**End of RDA Agenda**

Meeting adjourned at 5:48:30 p.m.